

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 70 of 1989(4)

Name of the parties

Akilesh Kumar Sharma Applicant.

Versus.

Union of India (NER) Respondents.

Part A.B.C.

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certified that no further action is
required to take and that the case has
been assigned to the record
section (2)

Checked

28/10/2011

P.T.O. →

Rg

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

(A1)

Registration No. 70 of 1989(L)

APPLICANT (s) Akhilesh Kumar Sharma Others

RESPONDENT(s) U. O. Jaiswal Others

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?

Yes

2. (a) Is the application in the prescribed form ?

Not exactly on the prescribed form as annexed. Annexures have not been separately complied.

(b) Is the application in paper book form ?

(c) Have six complete sets of the application been filed ?

Yes
Only Bench Copies have been filed

3. (a) Is the appeal in time ?

Yes

(b) If not, by how many days it is beyond time ?

—

(c) Has sufficient case for not making the application in time, been filed ?

—

4. Has the document, of authorisation, Vakalat-nama been filed ?

Yes

5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-

Yes (B.D. No DD 827870 Dt 20.3.89 for Rs 50/- O.D.)

6. Has the certified copy/copies of the order (s) against which the application is made been filed ?

Yes

7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?

Yes

(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

Yes (By Advocate)

Particulars to be ExaminedEndorsement as to result of Examination

(12)

- (c) Are the documents referred to in (a) above neatly typed in double space ? *Yes*
8. Has the index of documents been filed and paging done properly ? *Yes*
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *Yes*
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *No*
11. Are the application/duplicate copy/spare copies signed ? *N A*
12. Are extra copies of the application with Annexures filed ? *N A*
- (a) Identical with the original ?
- (b) Defective ?
- (c) Wanting in Annexures
- Nos...../Pages Nos..... ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ? *No*
14. Are the given addresses, the registered addresses ? *Yes*
15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Yes*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *No*
17. Are the facts of the case mentioned in item No. 6 of the application ? *Yes*
- (a) Concise ?
- (b) Under distinct heads ?
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ? *Yes*
19. Whether all the remedies have been exhausted. *Yes*

[Signature]
20/3/84

(A3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./T/A. No. 70 198 9(L)

Akhilesh Kumar Sarma

Applicant(s)

Versus

Union of India

Respondent(s)

Sr.No.	Date	Orders
	<u>21.3.89</u>	<p>Hon'ble Justice Kamleshwar Nath, V.C., Hon'ble Ajay Johri, A.M., H Heard.</p> <p>Admit. Issue notice to opposite parties to file counter affidavit within four weeks. Rejoinder affidavit may be filed within ten days thereafter.</p> <p>Regarding intrim relief issue notices to opposite parties and list for orders on 4.4.1989. Till that date the applicant shall not be evicted from Quarter No.- E/295-B Type II at Gonda. The notices of this case shall be served on the opposite parties by the applicant out of Court for which the notices may be delivered to the learned counsel for the applicant Dasti. A copy of this order be given to the learned counsel for the applicant.</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>Sd/- A.M.</p> </div> <div style="text-align: center;"> <p>Sd/- V.C.</p> </div> </div> <p style="text-align: center;"><u>GR</u></p> <p style="text-align: center;">Dasti Notices to the applicant.</p> <p><u>GR</u></p> <p>Dasti Summons were issued to though the Counsel for applicant under the Court's order of 21.3.89. fix 4.4.89 for order. Counsel for applicant has not submit the acknowledgement alongwith an affidavit as regard under C.A.T. Procedure Rule 1986. Respondents have not filed any reply against the notice so far.</p>

Submitted for order

Insh
3/4/89

AV

O.A. No. 70/89(L)

Hon' Mr. Justice K. Nath, V.C.

Hon' Mr. K.J. Raman, A.M.

6/7/89

The learned counsel for the Opp.Ps. ^{points} ~~find~~ out that in para 29 of the rejoinder affidavit, allotments of accommodation to two persons have been set out which are new ^{facts} and therefore, Opp.Ps. wants an opportunity to meet the same. The applicant's learned counsel has no objection to this. Opp.Ps may file supplementary counter within 3 weeks to which the applicant may file supplementary rejoinder, if any, within one week thereafter and list this case for final hearing on 10-8-89. Interim order will continue till that date.


A.M.


V.C.

(sns)

OR In compliance of Court's order dt. 6.7.89, no supplementary counter affidavit has been filed. Submitted for order.
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9/11

Hon' Mr. D.K. Agrawal, J.M.

10/8/89

Shri R.C. Saxena, learned counsel for the applicant and Shri Anil Srivastava, learned counsel for the respondents are present. Supplementary counter affidavit has been filed today, after expiry of the time granted to respondents. Learned counsel for the applicant, therefore, desires 10 days time to file supplementary rejoinder affidavit. Allowed. Supplementary rejoinder affidavit be filed within 10 days hereof. List this case on 12/9/89 for hearing before Single Member Bench.


J.M.

(sns)

OR As directed by the Court's order dt. 10.8.89 no supplementary rejoinder has been filed by the applicant. Submitted for hearing.
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(AS)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH.

Registration O.A. No. 70 of 1989 (L)

Akhilesh Kumar Sharma Applicant
and Another

Versus

Union of India & Others Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for issue of a direction to the opposite parties to allot the specified Railway Quarter to applicant No.1 and to release the Death-cum-Retirement Gratuity of applicant No.2 with interest.

2. Applicant No.1 A.K. Sharma is the son of applicant No.2 R.N. Sharma. The disputed Railway Quarter No.E 295-B/Type II of New Engineering Colony Gonda was held by applicant No.2 under allotment while he was working as Head Cashier in the scale of Rs.1400 - 2300. The house belonged to the Pool of the Pay and Cash Department where he was working. Applicant No.1, his son was appointed as Diesel Fitter Grade III and lived since 2.8.86 in the same quarter with applicant No.2; he had a scale of pay of Rs.900 - 1500 and worked in the Diesel Shed of the Mechanical Department.

3. On 12.9.86 the applicant No.1 applied by Annexure-A3 to Senior D.M.E. (Diesel) for permission to share the accommodation with his father, applicant No.2 and offered that he may not be given the House Rent Allowance. On 4.2.87 the Senior D.M.E. (D) passed

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an order Annexure-A4 permitting applicant No.1 to share the quarter with effect from 2.8.86 and directed that the House Rent Allowance drawn by him since 2.8.86 be recovered from his salary from the month of January, 1987 and further half of the rent of the quarter be also deducted from his salary.

4. It will be noticed that while the house belonged to the Pool of Pay and Cash Department in which the applicant No.2 was serving, applicant No.1 did not belong to that Department but belonged to the Mechanical Department under the Senior D.M.E. (D).

5. An application Annexure-A5 was made by to the Chief Cashier for allotment of quarter to Appl.No. applicant No.2/ According to the applicants this application is dated 29.1.87, the date on which it was received by the dealing clerk in the office of the Chief Cashier; according to the opposite parties, the application was without date. On 28.2.87 the applicant No.2 retired from service while both the applicants continued to occupy the accommodation beyond that date. Applicant No.2 again applied by Annexure-A16 dated 23.3.87 to the Chief Cashier for allotment of the quarter to applicant No.1. The applicant No.1 himself applied by Annexure-A9 dated 22.7.87 for the first time to the Senior D.M.E. (D) for allotment of the quarter with effect from 1.3.87, informing that he had not been drawing the House Rent Allowance since August, 1986 and that half of the monthly rent was also being deducted from his salary.

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6. It will be noticed that while applicant No.2 had been approaching the Chief Cashier for allotment of the quarter in favour of applicant No.1 since before and also after his retirement, the applicant No.1 never applied to the Chief Cashier for allotment and that the earliest application which he made for allotment is dated 22.7.87 addressed to the Senior D.M.E. (D). Orders of allotment were never passed in respect of the quarter in favour of applicant No.1. On the contrary, the applicant No.2 was treated to be in unauthorised occupation of the quarter after retirement and on that basis the payment of his Death-cum-Retirement Gratuity was held up.

7. On 20.7.87 applicant No.2 applied by Annexure-A7, followed by reminder dated 2.11.1987, Annexure-A8, to the Chief Cashier in continuation of his application Annexure-A6 for issue of allotment order in favour of applicant No.1 so that his D.C.R.G. may be released. The Deputy C.A.O. (T) then issued an order communicated by the impugned letter dated 28.7.88, Annexure-A1 stating that the allotment was illegal and that he should vacate the quarter and that his D.C.R.G. would not be released till he vacated so that the quarter could be allotted to the needy cashier. Applicant No.2 then represented to General Manager by letter dated 17.8.88, Annexure-A11, followed by reminder dated 24.12.88, Annexure-A12, stating that applicant No.1 was eligible for the same type of quarter as was occupied by him and was entitled to its allotment under Railway Board's letter No.E(G)66 Qr 1-11 dated 25.6.66 repeated in Railway

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Board's letter No.E(G)78 Qr 1-23 dated 19.12.81, Annexure-A13, but the Deputy C.A.O. (T) had passed the order contained in Annexure-A1. He prayed that regular allotment of the quarter ^{may} ~~will~~ be made in favour of applicant No.1 and that his D.C.R.G. may be released. The General Manager rejected the representation. It was communicated to applicant No.2 by the second impugned letter dated 24.1.89, Annexure-A2 holding that Senior D.M.E. (D) order dated 4.2.87 (Annexure-A4) was illegal, that applicant No.2 was not entitled to retain the quarter which he must vacate and that his D.C.R.G. had been withheld in that connection.

8. On these facts, the two applicants filed this application for the relief sought. The applicants' case is that applicant No.1 was entitled to an allotment of the quarter in view of Railway Board's letter dated 25.6.1966 repeated in R.B. letter No.E(G)78 Qr 1-23 dated 19.12.81, Annexure-A13 and that only for technicalities of procedure allotment was being refused and consequently the D.C.R.G. of applicant No.2 was wrongly withheld.

9. The opposite parties' case is that the Railway quarters have been pooled up and placed under the control of the respective Heads of the Department and the house of one pool can neither be allotted by the Head of the Department of another Department nor to the staff of another Department; and since the disputed quarter was in the pool of Pay and Cash Department, it could neither be allotted by Sr. D.M.E.(D) nor to applicant No.1. For that reason, it is urged, the Senior D.M.E.(D) order dated 4.2.87, Annexure-A4 permitting the sharing of the quarter was invalid and therefore the

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Deputy C.A.O. as well as the General Manager had held accordingly and directed the applicant No.2 to vacate the quarter and till then the payment of his D.C.R.G. to be withheld in view of Railway Board's letter dated 24.4.82, Annexure-R3 reaffirmed in Railway Board's letter dated 20.3.88, Annexure-R4. It was further said that applicant No.1 was not entitled to reside in the quarter of applicant No.2 in view of the Railway Board's letter No.E(G)71 Qr.1-4 dated 27.2.71, Annexure-R1 followed by letter dated 11.2.82, Annexure-R2. The opposite parties have also filed Railway Board's letter No.E(G)85 Qr-1-14 dated 18.8.86 on the subject of allotment of quarters to sons etc of a retired railway employee.

10. The applicants' rejoinder is that since the allotment ~~was made~~ application of the applicant No.1 was pending, applicant No.2 was also entitled to continue to live in the quarter in post-retirement period with his son. It was further urged that since applicant No.1 was employed as Diesel Fitter Grade III, the Sr.D.M.E.(D) was competent to permit the sharing of the accommodation by order dated 4.2.87, Annexure-A4 under the Railway Board's letter dated 19.12.81, Annexure-A13. Reliance was placed upon Sr. D.M.E.(D) letter dated 26.6.87 to opposite party No.3 explaining that he had passed the quarter sharing order under Railway Board's letter dated 14.2.78. The applicant also placed before this Tribunal the correspondence which passed between the Sr.D.M.E.(D) and the Chief Cashier, opposite party No.3

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to indicate that the only obligation of the former was to pass on some other quarter to the latter's Pool in lieu of the disputed quarter.

11. Arguments of Shri R.C. Saxena for the applicant and Shri Anil Srivastava for the opposite parties have been heard at length on the basis of counter, rejoinder, supplementary counter and supplementary rejoinder and various letters and circulars of the Railway Board placed on the record.

12. A preliminary objection of the learned counsel for the opposite parties is that the two applicants cannot make this application jointly because their claims related to distinct subjects, i.e. allotment of quarter in favour of applicant No.1 and release of D.C.R.G. in favour of applicant No.2. The contention is not fit to be accepted because both the reliefs are linked to a common factor, namely continued occupation of the quarter by both after retirement of applicant No.2 while the allotment application of applicant No.1 was still pending.

13. Certain features of the case are undisputed. The quarter belonged to the Pool of Pay & Cash Department and could be allotted by opposite party No.3 while the applications for allotment were made by the applicants to Senior D.M.E.(D) and not to opposite party No.3. The applicant No.1 was eligible for the same class of accommodation as applicant No.2 and therefore the rule of entitlement was not a hurdle in an allotment in favour of applicant No.1.

14. In his letter dated 26.6.87 (Annexure-R2 to rejoinder) the Sr.D.M.E.(D) drew his authority to permit

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the applicant No.1 to share the quarter with applicant No.2 from Railway Board's letter No.E.575/2/Bhag 5(4) dated 14.2.78. No Railway Board's letter dated 14.2.78 has been filed before this Tribunal. It may be mentioned that applicant No.2 in his representations Annexure-A11 dated 17.8.88 and Annexure-A12 dated 24.12.88 had mentioned that permission to share the accommodation had been given by Sr.D.M.E.(D) under Railway Board's letter No.E(G)78 Qr.1-53 dated 4.11.78. Prima facie these two letters are different; even the letter dated 4.11.78 had not been filed. It is the persistent stand of the opposite parties that Sr.D.M.E.(D) was not competent to permit sharing of the accommodation, which also stands to reason because the quarter belonged to Pay & Cash Department Pool and not the Mechanical Department Pool. The basis of the order permitting sharing of the quarter by applicant No.1 with applicant No.2 thus fails. In any case, the sharing of accommodation automatically came to an end when applicant No.2 retired; there is no question of sharing with ^athe retired employee._h

15. The stand of the opposite parties that the quarter, sharing order had been passed by suppressing the fact that the applicant No.1 was drawing House Rent Allowance, is rather misconceived because in his application dated 12.9.86, Annexure-A3, the applicant No.1 had specifically mentioned that he may not be given House Rent Allowance. If inspite of this request, House Rent Allowance was paid to him (which is not quite clear) the applicant No.1 cannot be said to have made a suppression of that fact specially in view of the direction of Sr.D.M.E.(D) in Annexure-A4 dated 4.2.87 that the House Rent Allowance drawn from 2.8.86 be recovered from his salary.

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The provision in the Railway Board's letter dated 11.2.82, Annexure-R2 that there is no question of recovery of House Rent Allowance which had been received by suppressing the fact of sharing and that the employee should be treated to beⁱⁿ eligible for allotment cannot apply to a case, like this, where a request had been made by the employee at the earliest that he may^{not} be given House Rent Allowance.ⁿ

16. The main question relates to the rights of the son of a Railway employee living in the quarter of the latter, being himself a railway employee. Both parties rely upon Railway Board's circular dated 19.2.81, Annexure-A13 which has reiterated R.B. earlier circular dated 25.6.66. These papers lay down that on retirement of a Railway employee, allotment out of turn may be made to his son etc. subject to the condition that (i) the son had been living at least for six months before retirement, and (ii) if the son is entitled to the same or higher type, then the same quarter may be regularised in his favour; the only condition, set out in the circular of^h 19.2.81 is that the retired employee or any member of his family should have no house of his own at the place of his posting. Applicants 1 & 2 clearly satisfy the requirements of these circulars.

17. How this policy of the Railway Board is affected by the Scheme of Pooling of quarters, is dealt with in the Railway Board's circular No.E(G)/85 QR 1-14 dated 18.8.86. The Board considered the cases where a quarter belonging to the Pool of one Department is allotted to an employee of that Department but on the retirement of such railway employee it is allotted on out of turn basis to

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his son employed in another department. It was "decided that if in any case, a quarter belonging to any particular pool, is allotted to the employee who may be working in a different department from the department in which the retired/deceased employee was working, the deficiency in the Pool of quarters belonging to the department wherein the retired/deceased employee was working, should be made good at the next opportunity in order that the balance is restored at the earliest." It is clear from these circulars that the power of allotment of a quarter in a Pool reserved for one Department to an employee of another Department on out of turn basis is well recognised; and such allotment may be made in respect of a house held by a retired employee of one Department in favour of his son employed in another Department. The problem of making good the shortfall in the pool of the former department by making over some other quarter from the pool of the latter department is essentially an inter-departmental problem. While there may be a power to refuse allotment in such cases, it can only be done for proper reasons. In this situation allotment of the quarter to Applicant No.1 could not be refused merely because it belonged to the Pay & Cash Department's Pool, and that the resultant allotment would cause a shortfall in that pool. It could also not be refused because it was required for the "needy cashier" as stated in Annexure-A1 dated 28.7.88 having regard to the Policy adopted by the Railway Board as indicated in the above mentioned circular; otherwise, it would render the provision of transferring quarters from one pool to another nugatory.

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18. But at the same time, the applicant No.1 should have applied for permission to share the quarter with applicant No.2 to the Head of the Pay & Cash Department; it was not enough to apply to the Sr. D.M.E.(D). The fact remains that applicant No.1 never made any such application. The making of such application by applicant No.2 was wholly irrelevant. The contention of the learned counsel for the applicant that the Sr.D.M.E.(D) should have forwarded the application of Applicant No.1 to opposite party No.3 is wholly misconceived because there is nothing to show that the Sr.D.M.E.(D) was under any legal obligation to forward it to opposite party No.3 while it was the duty of applicant No.1 to have applied to opposite party No.3 ^{if necessary,} through Sr.D.M.E. (D) according to office routine. Further, while the grant of permission by Sr.D.M.E.(D) to share the quarter lacked competence and for that reason was illegal, the opposite parties would be estopped from challenging the permission because the applicant No.1 had been deprived of H.R.A. and was paying half the rent during the sharing - period.

19. But as soon as the sharing-period ^{came} ~~came~~ to an end on 28.2.87, ^{when} applicant No.2 retired, the permission automatically expired with his retirement. Since then both the applicants became unauthorised occupants except for such period, if any, for which applicant No.2 may have been entitled to retain the quarter under the rules after retirement.

20. For such unauthorised occupation, both the applicants were liable to be evicted and for other consequences according to Rules, including that

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applicant No.2 was liable to have a reasonable portion of his D.C.R.G. to be held up in accordance with Railway Board's letter dated 24.4.82, Annexure-R3 reaffirmed in Railway Board's letter dated 20.3.88, Annexure-R5. It must be noticed that these letters authorise withholding of only "an appropriate amount" of the D.C.R.G., and not the whole of the D.C.R.G., for rent recoveries as permissible under the rules.

21. The matter is now almost 3 years old. In the meantime, misunderstandings must have arisen between the Pay & Cash Department and Mechanical Department, and occasions might have arisen when some other persons of the Mechanical Department could have retired or transferred out of station and the quarter occupied by such person could be transferred to Pay & Cash Department to make good the shortfall and to provide accommodation to the "needy cashier". The blame for this situation could be laid on the applicant No.1 who chose not to apply to the competent authority, viz opposite party No.3 for allotment, and for the erroneous assumption by both the applicants that they could continue to occupy the quarter beyond the retirement of applicant No.2 because his irrelevant application to opposite party No.3 for allotment in favour of his son, applicant No.1, was pending. It is for the applicant No.1 to apply to opposite party No.3 for allotment and for opposite party No.3 to pass appropriate orders thereon.

22. The problem of residence is a human problem as contradistinguished from pecuniary liabilities in terms of rent etc. due for the period of unauthorised

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occupation; and since it is permissible to allot the quarter to applicant No.1, it would be too harsh to sustain the order of eviction. It would also be too harsh to deprive the applicant No.2 of the entire gratuity; it has to be limited to an "appropriate amount" under Railway Board's letter dated 24.4.82, Annexure-R3.

23. In view of the above findings, the application is partly allowed. The applicant No.1 may apply to opposite party No.3 within 2 weeks from today for allotment of the disputed quarter in his favour; opposite party No.3 or other appropriate authority of the Pay & Cash Department shall consider and decide such application within a period of six weeks from the date of its presentation bearing in mind the observations contained in the body of this judgement. The opposite parties are directed to release the D.C.R.G. of applicant No.2 within six weeks after withholding a sum of Rs.5000/- to meet such pecuniary liability under the rules as applicant No.2 may be found to have incurred for unauthorised retention of the quarter after his retirement. The applicant No.1 shall not be evicted from the quarter till the disposal of his allotment application.

24. Parties shall bear their costs of this case.

25. A copy of this judgement be delivered to the applicants ^{if possible,} within twentyfour hours to enable the applicant No.1 to apply for allotment.



Vice Chairman

Dated the 5th January, 1990.

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Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 20/3/89...
Date of Receipt by Post.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

Deputy Registrar (J)
Dec 2
7/3

Title of the case = C.A. No. 70 of 89(L)

Akhilesh Kumar Sharma & others ... Applicants.

Versus.

Union of India & others ... Respondents.

I N D E X

Sl. No. Description of documents relied upon Page No.

This application
is filed on 20.3.89
and may be listed
for admission on 21.3.89
as requested by
counsel for applicant.

1. Application U/S 19 of the Administrative Tribunals Act 1985. 1 - 12

2. Enclosure No. A-1
Impugned order No. CP/76/20/1/1498
dated 2.8.1988. 13 - -

3. Enclosure No. A-2
Impugned order No. CP/76/20/1/175
dated 24.1.1989. 14 - -

4. Vakalatnama.

Dated: Lucknow,
March 19, 1989.

अखिलेश कुमार शर्मा
R.N. Sharma
Signature of the Applicant.

For use in the Tribunal office.

Date of Filing

or

Date of Receipt by post

Registration No.

Signature

For Registrar.

(A7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

Title of the case = O.A. No. 70 of 89(L)

1. Akhilesh Kumar Sharma, aged about 28 years, S/O Sri R.N. Sharma, R/O E-295/B, New Engineering Railway Colony, Gonda.
2. Ram Niwas Sharma, aged about 60 years, S/O Pt. Jugul Kishore Sharma, R/O E-295/B, New Engineering Railway Colony, Gonda.

... Applicants.

Versus.

1. Union of India, through the General Manager, N.E. Railway, Gorakhpur.
2. The General Manager, N.E. Railway, Gorakhpur.
3. Chief Cashier, N.E. Railway, Gorakhpur.
4. Senior Divisional Accounts Officer, N.E. Railway, Ashok Marg, Lucknow.

... Respondents.

DETAILS OF APPLICATION :

1. Particulars of the orders against application is made :-

The application is made against the following orders :-

Order No. CP/76/20/1/1498 dated 28.8.1988 passed by Deputy Chief Accounts Officer (T), N.E. Railway, Gorakhpur and order No. CP/76/20/1/175 dated 24.1.1989 passed by General Manager, N.E. Railway, Gorakhpur.

2. Jurisdiction of the Tribunal :

The applicants declare that the subject matter of the orders against which he wants redressal

अखिलेश कुमार शर्मा
R.N. Sharma

is with in the jurisdiction of the Tribunal.

3. Limitation :

The applicants declare that the application is with in the Limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

The facts of the case are given below :-

(I) That the present application is directed against the order dated 2.8.1988 passed by Deputy Chief Accounts Officer (T) N.E. Railway, Gorakhpur rejecting the application dated 2.11.1987 preferred by applicant No. 2 for allotment of Railway Quarter No. E/295-B Type II, New Engineering Coloney, Gonda to his son, the applicant No. 1 directing the applicant No. 2 to vacate the said quarter and order dated 21.1.1989 passed by General Manager, N.E. Railway, Gorakhpur, Respondent No. 2, on the representation of applicant No. 2 against the aforesaid order, true copies of which are filed herewith as Enclosure No. A-1 and A-2 respectively to this application.

(II) That the applicant No. 2 was holding the post of Head Cashier in the pay scale of Rs. 1400-2300 under opposite party No. 3 and was posted at Gonda from where he retired from service on 28.2.1987.

(III) That the applicant No. 2 was allotted Railway Quarter No. E/295-B, Type II at New Engineering Coloney Gonda where he alongwith his family including the applicant No. 1, who is his son, had been residing.

आरिक्तेश कुमार शर्मा
R. N. Sharma

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(IV) That the applicant No. 1 on 2.8.1986 was appointed on the post of Diesel Fitter, Grade III, in the pay scale of Rs. 900-1500 under Senior Divisional Mechanical Engineer (D), Gonda, on which post he is still working.

(V) That the applicant No. 1 on 12.9.1986 moved an application to Sr. Divisional Mechanical Engineer (D), N.E. Railway, Gonda for allowing him to Share the accomodation of the aforesaid Railway Quarter No. E/295-B with his father i.e. the applicant No. 2. A true copy of the said application dated 12.9.1986 is filed herewith as Enclosure No. A-3 to this application.

(VI) That the Sr. Divisional Mechanical Engineer (D), N.E. Railway, Gonda, vide order dated 4.2.1987 allowed the applicant No. 1 to Share the accomodation of the aforesaid quarter to the extent of half with his father, the applicant. A true copy of the aforesaid order dated 4.2.1987 is filed herewith as Enclosure No. A-4 to this application.

(VII) That the applicant No. 2 one month before his retirement vide application dated 29.1.1987 addressed to the Chief Chashier requested for allotment of the aforesaid quarter to applicant No. 1, his son. A true copy of the said application is filed herewith as Enclosure No. A-5 to this application.

(VIII) That the applicant No. 2 again on 23.3.1987 moved a similar application addressed to respondent No. 3 requesting him to allot the said quarter to applicant No. 1 and on 20.7.1987 and 2.11.1987 sent

आरिक्लेश कुमार शर्मा

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reminders to opposite party No. 3 in that regard requesting further for payment of his D.C.R.G. A true copy of the aforesaid application dated 23.3.1987 and reminders dated 20.7.1987 and 2.11.1987 are filed herewith as Enclosure No. A-6, A-7 and A-8 to this application.

(IX) That similarly the applicant No. 1 on 22.7.1987 moved an application addressed to Sr. Divisional Mechanical Engineer (D), N.E. Railway, Gonda requesting him to allot the aforesaid quarter to him and on 10.8.1988 sent a reminder to that effect. True copies of the aforesaid application dated 22.7.1987 and reminder dated 10.8.1988 are filed herewith as Enclosure No. A-9 and A-10 respectively to this application.

(X) That the Deputy Chief Account Officer(T), N.E. Railway, Gorakhpur vide order dated 2.8.1988 communicated by opposite party No. 3 rejected the applicants request for allotment of quarter to applicant No. 1 and directed the applicant No. 2 to vacate the quarter and submit the vacation report to S.D.C., Gonda so that his D.C.R.G. may be paid early. A true copy of order dated 2.8.1988 already forms part as Enclosure No. A-1 to this application.

(XI) That the applicant No. 2 feeling aggrieved preferred a representation dated 17.8.1988 addressed to respondent No. 2 requesting him to allot the aforesaid quarter to his son, applicant No. 1 w.e.f. 1.3.1987 and arrange for payment of his D.C.R.G. with interest and also subsequently on 24.12.1988

अखिलेश कुमार शर्मा

R. N. Sharma

sent a reminder to that effect. The true copy of representation dated 17.8.1988 are filed herewith as Enclosure No. A-11 and A-12 respectively to this application:

(XII) That the respondent No. 2 without applying his mind to the facts and circumstances of the case, vide order dated 24.1.1989 communicated by respondent No. 3, rejected the representation preferred by the applicant No. 2 holding him ineligible to retain the said quarter and withheld his D.C.R.G. A true copy of the aforesaid order dated 24.1.1989 forms part of his application as Enclosure No. A-2 to this application.

(XIII) That the applicant No. 1 is fully eligible and entitled for the allotment of the quarter No. E/295-B, Type II, New Engineering Enclave colony, Gonda in terms of Railway Board's circular letter No. E(G) 66 C.R.I.-II dated 25.6.1966 clarified vide Railway Board's letter No. E(G) 78 C.R.I.-23 dated 19.12.1981. A true copy of which is filed herewith as Enclosure No. A-13 to this application.

आरवलेश कुमार शर्मा

R. N. Sharma

(XIV) That the applicant No. 1 holds the post of Diesel Fitter Grade III in the scale of Rs. 900-1500 and is a Class III, Railway servant. He had been sharing the accommodation with his father, the applicant No. 2 under order dated 4.2.1987 contained in Enclosure No. A-4. The applicant No. 1 does not own or possess any other

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house at Gonda where he is posted.

(XV) That the applicant No. 1 ful-fils all requisite conditions as laid-down in Railway Board's circular letter dated 25.6.1966 clarified vide letter dated 19.12.1981 contained in Enclosure No. A-13 to this application specifically stated in representation/reminder dated 24.12.1988 contained in Enclosure No. 12.

(XVI) That the general principle of allotting the Railway Quarters on turn basis is not applicable in cases of allotment of quarters in favour of the employees already sharing the accomodation with other Railway Employee.

(XVII) That the applicants have not manupulated the things to get an order dated 4.2.1987 passed by Sr. D.M.E. (D), N.E. Railway, Gonda contained in Enclosure No. A-4 permitting the applicant No. 1 to Share the accomodation with applicant No. 2 to the extent of half.

(XVIII) That the D.C.R.G. of the applicant No. 2 became due and payable to him just after his retirement w.e.f. 28.2.1987. The applicant No. 2 is legally entitled to get his D.C.R.G. alongwith interest @ Rs. 12% per annum till the same is paid to him and the respondents are under legal obligation to pay the same to him.

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(XIX) That the order dated 24.1.1989 passed by respondent No. 2 and contained in Enclosure No. A-2 withholding the D.C.R.G. of the applicant

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No. 2 for retaining the Railway quarter after retirement, is not only factually wrong but is also legally could not have been withheld for the reason stated in the said order.

(XX) That there exists no rule or order having the force of law empowering the respondents to withhold the D.C.R.G. for retaining the allotted Railway quarter even after retirement without affording adequate opportunity to the concerned Railway employee to put his case.

(XXI) That the respondents have a remedy under the Public Premises (Eviction of unauthorised occupants) Act 1971 and the Rules made there under to take steps for eviction of the applicant No. 2 from the Railway quarter in question in case he is an unauthorised occupant and have no authority even at least to withhold the D.C.R.G.

5. Grounds for relief with legal provisions :

(I) Because the applicant No. 1 as per Railway Board's circular letter contained in Enclosure No. A-13 is fully eligible and entitled for the allotment of Railway quarter in question and there exists no reasons much less legitimate reason to refuse such allotment.

(II) Because the principle of "turn basis allotment" is inapplicable in the present case.

(III) Because the impugned orders contained in enclosure No. A-1 and A-2 are arbitrary, result

अरिबलेश कुमार शर्मा

R.N. Sharma

of non-application of mind by the authorities concerned and are hit by Article 14 of the constitution of India.

(IV) Because the Railway Board's circular contained in Enclosure No. A-13 has a statutory force of law and is binding on the respondents.

(V) Because the applicant No. 2 is entitled for his D.C.R.G. on his retirement and the respondents are under legal obligation to pay the same with interest.

(VI) Because there exists no legitimate reason for withholding the D.C.R.G. of applicant No. 2.

(VII) Because the omission on the part of allottee to vacate the Railway quarter on his retirement cannot legally be a valid ground for withholding his D.C.R.G.

(VIII) Because the respondent's remedy for eviction of the retired employees from the Railway quarter allotted to them is provided under Public Premises (eviction of unauthorised occupants) Act 1971 in case they are held to be unauthorised occupants.

(IX) Because the impugned orders withholding the D.C.R.G. and for vacation of Railway quarter are arbitrary devoid of reasons and result of non-application of mind to the facts and circumstances of the case as well as the Railway Board's circular letter contained in Enclosure No. A-13.

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(X) Because the applicant No. 2 has not been offered any opportunity prior to passing of the order withholding his D.C.R.G. which is against the principles of natural justice.

6. Details of the remedies exhausted :

Inspite of representations and applications on various dates given in para 6 above the relief asked for has been rejected by respondent No. 2 vide order dated 24.1.1989 contained in Enclosure No.A2.

7. Matters not previously filed or pending with any other Court :

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in ~~which~~ respect of which this application has been made, before any court of law or any other authority or any other bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

8. Relief (S) sought :

In view of the facts mentioned in para 6 above the applicant prays for the following reliefs :-

- (a) Direct the respondents to allot the Railway quarter No. E/295-B, Type II, New Engineering Colony, Gonda, to applicant No. 1 w.e.f. 1.3.1987 in view of Railway Board's circular dated

आरवेंद्र कुमार शर्मा

R. N. Sharma

19.12.1981 contained in Enclosure No. A-1

- (b) Direct the respondents to atone release the D.C.R.G. of applicant No. 2 and pay the entire amount under it with interest @ Rs. 12% per annum for the period from 1.3.1987 onwards till the said amount is paid to applicant No. 2.

9. Interim order, if any prayed for :

During the pendency of the present application, the respondents may be restrained from taking proceedings for eviction of the applicants from Railway quarter No. E/295-B, Type II, situate at New Engineering Coloney, Gonda and direct them to release the amount of D.C.R.G. to applicant No. 2 with interest @ Rs. 12% per annum.

10. Petition is personally presented through Counsel :

NIL

11. Particulars of Bank Draft/Postal Order filed in respect of the application fee :

Postal order No.

DD 827070

Dated

4 20.3.89

Issued by the High Court
Bench Post Office Lucknow.

In favour of Registrar
C.A.T. Allahabad.

12. List of Enclosures :

- (1) Enclosure No. A-1 Impugned order dated 2.8.88 rejecting the request for allotment of quarter.

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- (2) Enclosure No. A-2 Impugned order dated 24.1.89 deciding representation dated 24.12.1988.
- (3) Enclosure No. A-3 Application dated 12.9.1986 by applicant No. 1 for sharing accommodation with applicant No. 2.
- (4) Enclosure No. A-4 Order dated 4.2.1987 passed by senior D.M.E. (D) Gonda allowing applicant No. 1 to share accommodation with applicant No. 2.
- (5) Enclosure No. A-3 Application dated 29.1.1987 by applicant No. 2 to allot Railway quarter No. E/295-B Type II in favour of applicant No. 1.
- (6) Enclosure No. A-6 Application dated 23.3.1987 by applicant No. 2.
- (7) Enclosure No. A-7 Application dated 20.7.187 by applicant No. 2 for releasing his D.C.R.G.
- (8) Enclosure No. A-3 Reminder dated 2.11.87 by applicant No. 2.
- (9) Enclosure No. A-9 Application dated 22.7.87 by applicant No. 1 for allotment of quarter No. E-295/B in his favour.
- (10) Enclosure No. A-10 Application dated 7.8.88 by applicant No. 1.
- (11) Enclosure No. A-11 Representation dated 17.8.88 by applicant No. 2 for allotting the quarter in favour of applicant No. 1.
- (12) Enclosure No. A-12 Representation/reminder dated 24.12.88 by applicant No. 2 for allotment of Railway quarter in favour of applicant No. 1 and for releasing DCRG.
- (13) Enclosure No. A-13 Railway Board's circular letter dated 25.6.68 clarified of vide letter dated 19.12.81 issued by the Railway Board.

VERIFICATION

We, (1) A. K. Sharma, S/O Sri R.N. Sharma, aged about 28 years, working as Diesel Fitter Grade III, under Sr. D.M.E. Gonda, ^{and R.N. Sharma, S/O Pt. J.K. Sharma} R/O E/295-B, Type II, New Engineering Colony, Gonda, do hereby verify that the contents

अरवि लेश कुमार शर्मा
R. N. Sharma

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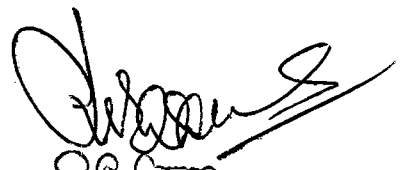
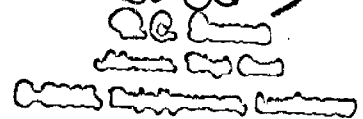
.. 12 ..

of paras 1 to 3, 6 to 8, 11, 12 and 13 are true
to ^{our} ~~my~~ personal knowledge and paras 4, 5, 9, 10 are
believed to be true on legal advice and that ~~I~~^{we}
have not suppressed any material fact.

आर. व. शर्मा
R. V. Sharma

Dated: Lucknow,
March 19, 1989.

Signature of the Applicant.

13 (1729)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

Akhilesh Kumar Sharma & others ... Applicants.

Versus,

Union of India & others ... Respondents.

Enclosure No. A-1

N.E. Railway

Office of the F.A. & C.A.O.
GORAKHPUR
DATED 28.7.88.

CP/76/20/1/I498

Shri R.N. Sharma,
Ex. Hd. CHR/GD,
Rly. Qr. No. E/295-B,
at Gonda.

Sub: Vacation of Rly Qr. No. E/295-B (Type II)
at Gonda.

Ref: Your application dt. 2.11.87.

TRUE COPY
ATTESTED

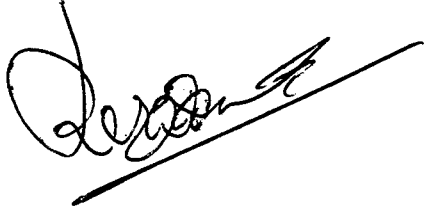
The allotment of Rly Qr No. E/295-B (Type-II)
at Gonda, in favour of your son Shri Akhilesh Kumar
Sharma, Fitter-~~XX~~ -Gr. III
under Sr. DME/Diesel/NER/Gonda, has not been considered
by Dy. CAO(T) vide remarks given below:

" Any such allotment is illegal and hence
employee may be asked to vacate, if he
desires his DCRG may be paid early. The
quarter may be allotted to the needy
cashier."

Therefore, you are hereby advised to vacate
the above quarter and submit your vacation report duly
remarked by B.SDC/Gonda to the undersigned early so
that you may be settled up accordingly.

Please acknowledge receipt.

Sd/- Ill.
Chief Cashier.


R. N. Sharma
G-2003, Rajajipuram, Lucknow

आखिलेश कुमार शर्मा
R. N. Sharma

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, (LUCKNOW
-BENCH), LUCKNOW.

O.A. No. of 1989 (L)

Akhilesh Kumar Sharma & others ... Applicants.

Versus.

Union of India & others ... Respondents.

Enclosure No. A-2

N.E. RAILWAY

No. CP/76/20/1/175

Office of the,
P.A. & C.A.O.,
Gorakhpur.

Dt. 24.1.1989.

To, Shri R.N. Sharma: Rtd. Head Cashier,
Rly. Qr. No. E/295-B,
New Engineering Railway Colony.

GONDA.

Sub: Prayer for D.C.R.G. Payment.

Ref: Your representation dated 21.12.88
addressed to General Manager, N.E.
Rly., Gorakhpur.

The allotment of Rly. Qr. No. E/295-B (Type
ii) at Gonda in favour of your son Shri Akhilesh
Kumar Sharma, Diesel Fitter, G r. III, issued by
Sr. D.M.E. (Diesel)/N.E. Rly., Gonda, vide his O.O. No.
घा/डीजल/आवास/गोडा/86-87 dated 4.2.1987, has
not been considered by General Manager, N.E. Rly.,
Gorakhpur, vide remarks given below:-

"The applicant manipulated for allotment
illegally and not eligible to retain the
quarter hence D.C.R.G. withheld."

Therefore, you are hereby advised to
Vacate the above quarter and submit your Vacation
report duly remarked by S.D.C./Gonda, to the under-
signed early, so that you may be settled-up
accordingly.

Please acknowledge receipt.

Sd/. Ill.
Chief Cashier.

TRUE COPY
ATTESTED



R.C. Sharma

Joint Secy

G-2003, Gorakhpuram, Lucknow

आखिलेश कुमार शर्मा

R. N. Sharma

व अदालत श्रीमान Don eni Central Administrative Tribunal (Queens Bench) महोदय
[वादी] अपीलान्ट श्री का वकालतनामा
प्रतिवादी [रेस्पान्डेन्ट]

(टिफ्ट)

वादी (अपीलान्ट)

central Warehousing corporation
Employees union

वनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

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ई०

R. C. Saxena

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Advocate, High Court

E-2665, Rajarajapuram, K.O.

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इफरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी से यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह पञ्जालतनामा लिख दिया प्रमाण रहे और समय पर फाम आवे।

अशोक कुमार शर्मा
R. N. Sharma

हस्ताक्षर

Accepted.
19/3/89
20

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

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A32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

Title of the case - O.A.No.

of 89
(L)

Akilesh Kumar Sharma & others ... Applicants.

Versus.

Union of India & others ... Respondents.

Compilation Numbers 2 :

I N D E X

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| Sl. No. | Description of documents relied upon                                                                                                                  | Page No. |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1.      | <u>Enclosure No. A-3</u><br>Application dated 12.9.1986 by applicant No.1 for Sharing accomoda-<br>tion with applicant No. 2.                         | 15- -    |
| 2.      | <u>Enclosure No. A-4</u><br>Order dated 4.2.87 passed by senior D.M.E. (D) Gonda allowing applicant No. 1 to Share accomodation with applicant No. 2. | 16-17    |
| 3.      | <u>Enclosure No. A-5</u><br>Application dated 29.1.87 by applicant No.2 to allot Railway quarter No.E/295-B Type II in favour of applicant No.1.      | 18- -    |
| 4.      | <u>Enclosure No. A-6</u><br>Application dated 23.3.87 by a applicant No.2.                                                                            | 19- -    |
| 5.      | <u>Enclosure No. A-7</u><br>Application dated 20.7.87 by applicant No.2 for releasing his D.C.R.G.                                                    | 20-21    |
| 6.      | <u>Enclosure No. A-8</u><br>Reminder dated 2.11.87 by applicant No,2.                                                                                 | 22-23    |
| 7.      | <u>Enclosure No. A-9</u><br>Application dated 22.7.87 by applicant No.2 for <del>appt</del> allotment of quarter No. E-295/B in his favour .          | 24-25    |
| 8.      | <u>Enclosure No. A-10</u><br>Application dated 7.8.88 by applicant No. 1.                                                                             | 26-27    |

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11. Enclosure No. A-11  
Representation dated 17.8.88 by applicant No. 2 for allotting the quarter in favour of applicant No. 1. 28-30
12. Enclosure No. A-12  
Representation/reminder dated 24.12.88 by applicant No. 2 for allotment of Railway quarter in favour of applicant No. 1 and for releasing D.C.R.G. 31-32
13. Enclosure No. A-13  
Railway Board's circular letter dated 25.6.68 clarified of vide letter dated 19.12.81 issued by the Railway Board. 33-35

Dated: Lucknow,  
March 19, 1989.

आरव लेश कुमार शर्मा  
R. N. Sharma  
Signature of the Applicant.

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ASW

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW.

O. A. No.

of 1989 (L)

BETWEEN

Akhilash Kumar Sharma & others ... Applicants,

AND

Union of India & others ... Respondents.

Enclosure No. A-3

सेवा में,

श्रीमान प्रवर मंडल यांत्रिक इंजिनियर डी० महोदय,  
पूर्वोत्तर रेलवे,  
गोण्डा ।

विषय:- आवास आवंटन हेतु ।

श्रीमान,

सेवा में सविनय निवेदन है कि प्राथमी अखिलेश कुमार शर्मा डीजल शोड गोण्डा में डीजल फिटर के पद पर कार्यरत है तथा अपने पिता श्री रामनिवास शर्मा प्रवर खजान्ची पूर्वोत्तर रेलवे गोण्डा के साथ रेलवे क्वार्टर नं० ई०/२९५/वी रेलवे इंजिनियरिंग कालोनी में रह रहा है । अतः श्रीमान जी से प्रार्थना है कि नियमानुसार उनके साथ उपरोक्त क्वार्टर नं० ई०/२९५/वी में रहने की आज्ञा प्रदान करने की कृपा की जाय और मुझे हाउस मकान भत्ता नहीं दिया जाय । इसके लिये आभारी रहूँगा ।

दिनांक 12-9-86

मान्यवर,

आवेदनकर्ता मेरा पुत्र अखिलेश कुमार शर्मा डीजल फिटर उपरोक्त क्वार्टर में मेरे साथ रहता है तथा इससे मैं सहमत हूँ ।

ह/० रामनिवास शर्मा  
प्रवर खजान्ची,  
पूर्वोत्तर रेलवे,  
गोण्डा 12-9

प्राथमी,

ह/० अखिलेश कुमार शर्मा  
पद - डीजल फिटर  
मीडियम मेजर सेक्शन  
टोकन नं० 952 या 301  
डीजल शोड पूर्वोत्तर  
रेलवे गोण्डा ।

TRUE COPY  
ATTACHED



R. N. Sharma  
0-2222, Rajajipuram, Lucknow

अखिलेश कुमार शर्मा  
R. N. Sharma

16 (A35)

BEFORE THE CENTRAL ADMINISTRATIVE  
TRIBUNAL (LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ..... Applicants.

AND

Union of India & others ..... Respondents.

Enclosure No. A-4

कार्यालय आदेश  
=====

रेलवे आवास सं० ई/295/वी टाइप-11 जो श्री रामनिवास शर्मा प्रवर खजान्ची को आवंटित है। उनके पुत्र श्री अखिलेश कुमार शर्मा डीजल पिटर ग्रेड-111 को, श्री रामनिवास शर्मा प्रवर खजान्ची के साथ आवास भागीदारी 11/2 सेयर एकोमोडेशन की स्वीकृति दी जाती है यह श्री शर्मा खजान्ची के रजामन्दी से है।

यह आदेश दिनांक 2-8-86 से लागू माना जायेगा क्योंकि कथित कर्मचारी श्री अखिलेश कुमार शर्मा अपने पिता श्री रामनिवास शर्मा खजान्ची के साथ दिनांक 2-8-86 से रह रहा है।

इस आदेश को मंडल यांत्रिक अभियन्ता डीजल ने अनुमोदित किया है।

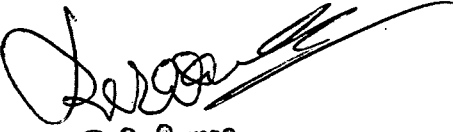
कृते प्रवर मंडल यांत्रिक अभियन्ता  
डीजल  
गोण्डा

सं०यां/डीजल/आवास/गोण्डा/86-87 दिनांक 4-02-87

प्रतिलिपि निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- प्रवर मंडल लेखाधिकारी/लखनऊ।
- 2- प्रवर मंडल रेल प्रबंधक/विद्युत/लखनऊ।
- 3- सहायक लेखाधिकारी/गोण्डा।

Copy  
10/10/87

  
R. N. Sharma  
30003, Chhapra, Lucknow

अखिलेश कुमार शर्मा  
R. N. Sharma

== 2 ==

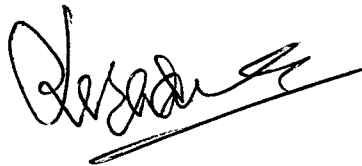
- 4- सहायक कार्मिक अधिकारी/गोण्डा, श्री अखिलेश कुमार शर्मा से उन्हें दिनांक 2-8-86 से आज तक का दिया गया आवा भत्ता उनके वेतन से काट लेवे तथा साथ ही साथ माह जनवरी 87 से वेतन से 1/2 आवास किराया काटना प्रारम्भ कर दें ।
- 5- विद्युत फोरमैन/गोण्डा ।
- 6- कार्य निरीक्षक/गोण्डा ।
- 7- सम्बन्धित कर्मचारी ।
- 8- बिल लिपिक ।

ह/0 अपठनीय,

4-2  
कृते प्रवर मंडल यांत्रिक अभियन्ता।डीजल।  
गोण्डा ।

अखिलेश कुमार शर्मा  
R.N. Sharma

4-2 COPY  
R.N. Sharma



R.N. Sharma  
Mechanical Engg. Dept.  
C-1000, Rajajipuram, Lucknow

18 (1827)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others ... Respondents.

Enclosure No. A-5

सेवा में,

प्राथमिक पत्र :।:

मुख्य कोषाधिकारी,  
पूर्वोत्तर रेलवे, गोरखपुर ।

विषय:- रेलवे आवास सं० ई०/२९५/वी टाइप ।। मे मेरे पुत्र  
श्री अखिलेश कुमार शर्मा के रहने की सूचना ।

महोदय,

निवेदन है कि प्राथमिक रेलवे आवास सं० ई०/२९५ वी  
टाइप ।। न्यू इंजीनियरिंग रेलवे कालोनी गोण्डा में रह रहा है  
जो कि प्राथमिक के नाम से आवंटित है । प्राथमिक का पुत्र अखिलेश  
कुमार शर्मा जो कि डीजल शोड गोण्डा में मार्च ८५ से अगस्त ८६  
तक डीजल ट्रेनिंग फिटर के पद पञ्च घेतनमान ९५०-१५०० कार्यरत है  
अखिलेश कुमार शर्मा मार्च ८५ से मेरे साथ आवास में रह रहे हैं ।  
प्राथमिक एवं प्राथमिक के परिवार के किसी सदस्य के पास उनकी  
तेनाती के स्थान पर निजी आवास नहीं है १ अतः श्री अखिलेश  
कुमार शर्मा के नाम रेलवे आवास आवंटित करने की कृपा करें ।

आवश्यक कार्यवाही एवं सूचनाएं प्रेषित ।

प्राथमिक,

ह/० रामनिवास शर्मा,  
प्रवर खजान्ची,  
पूर्वोत्तर रेलवे, गोण्डा ।

दिनांक २९-१-८७

प्रतिलिपि आवश्यक कार्यवाही हेतु सूचनाएं :-

- १- प्रवर मण्डल लेखाधिकारी, पूर्वोत्तर रेलवे, लखनऊ ।
- २- मण्डल खजान्ची पूर्वोत्तर रेलवे, लखनऊ ।

प्राथमिक,

ह/० रामनिवास शर्मा,  
प्रवर खजान्ची,  
पूर्वोत्तर रेलवे, गोण्डा ।

आरमलश कुमार शर्मा  
R.N Sharma

19 (A38)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants

AND

Union of India & others ... Respondents.

Enclosure No. A-6

सेवा में,

प्रार्थनापत्र : 11:

श्रीमान मुख्य कोषाधिकारी महोदय,  
पूर्वाञ्चल रेलवे,  
गोरखपुर ।

विषय:- रेलवे आवास संख्या ई0/295/वी टाइप-11 आवंटन हेतु ।

महोदय,

निवेदन है कि मेरा पुत्र अखिलेश कुमार शर्मा डीजल फ़िटर वेतनमान : 950-1500: डीजल में गोण्डा आवास भागीदार : 1/2 शेरर एकोमोडेशन: नियम के तहत मेरे साथ रह रहा है । मैं दिनांक 28-2-87 को सेवानिवृत्त हो गया हूँ । अतः श्रीमान जी से प्रार्थना है कि विषयगत आवास सं0 ई0-295/वी टाइप 11 मेरे पुत्र अखिलेश कुमार शर्मा डीजल फ़िटर गोण्डा के नाम आवंटित करने की कृपा करें तथा माह मार्च 87 से आवास के पूर्ण किराये की कटौती का आदेश प्रदान किया जाय । अखिलेश कुमार शर्मा, डीजीफ0 के वेतन से उपरोक्त आवास के किराये की आधी कटौती माह फरवरी, 87 तक विधीबद्ध की जा चुकी है । शेरर एकोमोडेशन अन आवंटन की प्रतीतिपि संलग्न है ।

प्रार्थी आपके इस कृपया पूर्ण कार्य के लिये सदैव आभारी रहेगा ।

संलग्नक शेरर एकोमोडेशन आवंटन प्रतीतिपि ।

दिनांक: 23-3-87

प्रार्थी,

ह/0 रामनिवास शर्मा,  
भू0/0 सुधानु खान्ना,  
पूर्वाञ्चल रेलवे,  
गोण्डा ।

G-2003, Rajajipuram, Lucknow

अखिलेश कुमार शर्मा  
R.N Sharma

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma &amp; others ... Applicants.

AND

Union of India &amp; others ... Respondents

Enclosure No. A-7

सेवा में,

रिमाइन्डर

श्रीमान मुख्य कोषाधिकारी महोदय,  
पूर्वोत्तर रेलवे,  
गोरखपुर ।

विषय:- रेलवे आवास सं० ई/295/वी के मेरे पुत्र श्री अखिलेश कुमार शर्मा के नाम आवंटन हेतु दिये गये दिनांक 23-3-87 के प्राथमिकता के सम्बन्ध में ।

श्रीमान,

निवेदन है कि प्राथमिकता ने विषयगत रेलवे आवास को रेलवे बोर्ड सेवानिवृत्त आवास आवंटन नियमों के अन्तर्गत अपने पुत्र श्री अखिलेश कुमार शर्मा डीजल फ़िटर के नाम आवंटन के लिये दिनांक 23-3-87 को एक विनम्र आवेदन आपकी आवश्यक कार्यवाही हेतु प्रस्तुत किया था ।

प्रस्तुत प्राथमिकता पत्र के सम्बन्ध में क्या कार्यवाही हुई । यदि रेलवे आवास का आवंटन मेरे पुत्र के नाम से कर दिया गया है तो इस आदेश की एक प्रति प्राथमिकता को भोजने की विनम्र कृपा करें जिससे प्राथमिकता अपनी रोक गड़ खपटा 27000=00 डी०सी०आर०जी० के भुगतान के लिये प्रदत्त मंडल लेखाधिकारी लखनऊ को एक आवेदन प्रेषित कर सके । रेलवे आवास के आवंटन की प्रति के अभाव में प्राथमिकता डी०सी०आर०जी० के भुगतान सम्बन्धी कार्यवाही करने में असमर्थ है ।

अतः आपसे विनम्र अनुरोध है कि रेलवे आवास के आवंटन की प्रति शीघ्र अति शीघ्र प्राथमिकता को भोजने की कृपा करें । प्रति के अभाव में प्राथमिकता का डी०सी०आर०जी० का

R. N. Sharma

Rajajipuram, Lucknow

Rajajipuram, Lucknow

अखिलेश कुमार शर्मा

R. N. Sharma

== 2 ==

रुका ही हुआ है। रुके हुये भुगतान पर 10 प्रतिशत की दर आर्थिक हानि भी उठानी पड़ रही है।

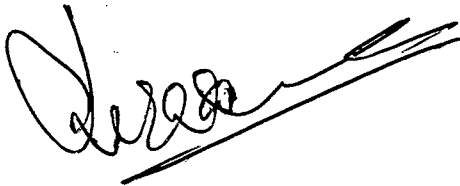
आशा ही नहीं पूर्ण विश्वास है कि प्राथमिक के इस आवंटन पर सहानुभूतिपूर्वक विचार करते हुये रेलवे आवास आवंटन के विषय में लिये गये निर्णय की प्रति भोजने की कृपा करेंगे। इस कृतज्ञता पूर्ण कार्य के लिये प्राथमिक सदैव हृदय से आभार आभारी रहेगा। इसे अति आवश्यक समझा जाय।

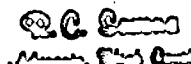
प्राथमिक,

अश्वत्थेश कुमार शर्मा  
R. N. Sharma

दिनांक: 20-7-87

ड/0 रामनिवास शर्मा,  
भूगोल प्रधान खान्नाची,  
न्यू रेलवे इन्जिनियरिंग कालोनी,  
क्वाटर नं० ई/295/वी,  
वडगोवा गण्डा।



  
R. N. Sharma  
C-1003, Rajajipuram, Madras

92  
(Aen)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others ... Respondents.

Enclosure No. 4-8

प्रेषक में,

रामनिवास शर्मा  
भूतपूर्व प्रधान खजान्ची,  
पूर्वोत्तर रेलवे गण्डा  
क्यान्सो ई/295/बी  
रेलवे न्यू इजीनियरिंग कालोनी,  
बड़गांव गण्डा ।

सेवा में,

श्रीमान मुख्य कोषाधीकारी,  
पूर्वोत्तर रेलवे,  
गोरखपुर ।

TRUE COPY  
ATTESTED

विषय:- रेलवे आवास सं० ई-295/बी को मेरे पुत्र श्री अखिलेश  
कुमार शर्मा के नाम आवंटन के हेतु दिये गये प्रार्थनापत्र  
दिनांक 23-3-87 के संदर्भ में द्वितीय रिमाइन्डर ।

श्रीमान

प्रार्थी द्वारा उपरोक्त विषय पर दिये गये प्रार्थना  
पत्र दिनांक 23-3-87 के संदर्भ में आपका कृपया ध्यान इस द्वितीय  
स्मरण पत्र द्वारा आकर्षित किया जाता है कि प्रार्थना है कि  
छः माह से भी अधिक समय लेने के बाद भी प्रार्थी को उपरोक्त  
आवास आवंटन के निर्णय से सूचित नहीं किया गया है परिणाम-  
स्वस्थ प्रार्थी अपनी सम्पूर्ण रोक गई :डी०सी०आर०जी०: डी०सी०  
आर०जी० का भुगतान प्राप्त नहीं कर सका है जो कि लगभग  
रु० 32000-00 है तथा अवर्णनीय आर्थिक दायित्व इस कठिन समय  
में ढूँढ रहा है । मैं दिनांक 28-2-87 को सेवा निवृत्त हुआ हूँ ।  
अतः निवेदन है कि प्रार्थी को आवंटन के निर्णय से अति शीघ्र  
ही अवगत कराया जाय ताकि प्रार्थी अपनी रोक गई डी०सी०  
आर०जी० के भुगतान के लिये प्रवर मंडल लेखाधीकारी लखनऊ

अखिलेश कुमार शर्मा  
R.N. Sharma

== 2 ==

पूर्वोत्तर रेलवे को आवेदन प्रेषित कर सके तथा भुगतान प्राप्त कर सके । आपकी सुविधा के लिये रेल परिवहन का फोटो स्टेट परिवहन सं० ई/575/1/भाग-5:चार: दिनोंक 13-1-82 इसके साथ संलग्न है । इस कृपा के लिये अति आभार होगा ।

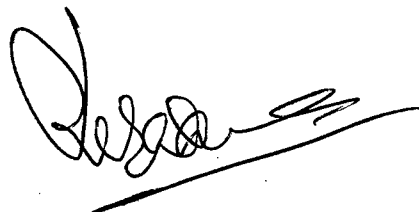
प्राथी,


दिनांक 2-11-87

ह/० रामनिवास शर्मा,  
भूतल प्रधान, राजन्या,  
न्यू० इंजीनियरिंग रेलवे, कालोनी,  
कक्षा० ई/295/बी बडगाव, गोण्डश

आश्वत्थेश कुमार शर्मा  
R. N. Sharma

TRUE COPY  
ATTESTED



  
C-100, Rajapuram, Madras

24 (PUB)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others

... Respondents.

Enclosure No. A-9

श्रीमान प्रवर मण्डल यांत्रिक अभियन्ता,  
पूर्वोत्तर रेलवे डीजल रोड,  
गोण्डा ।

विषय:- रेलवे आवास संज्ञा ई/295-वी टाइम-11 के आवंटन के  
लिये ।

संदर्भ:- प्रवर मण्डल यांत्रिक अभियन्ता डीजल रोड के कार्यालय  
आदेश या/डीजल/आवास/गोण्डा 86-87 दिनांक  
4-2-87

महोदय,

विषयगत आवास में, प्राथमिक आपके कार्यालय आदेश  
दिनांक 4-2-87 के अन्तर्गत अगस्त, 1986 से अपने पिता श्री रामनिवास  
शर्मा प्रधान खजान्ची के साथ शोधर स्कोमोडेशन में रह रहा था

प्राथमिक के पिता श्री रामनिवास शर्मा जो कि दिनांक  
28-2-87 को प्रधान खजान्ची के पद से सेवानिवृत्त हो चुके हैं ।

प्राथमिक के वेतन से अगस्त 86 से रेलवे आवास के किराये  
की आधी धरारिभा आज आवेदन पत्र देने तक काटी जा रही है ।  
यह भी ध्यान देने योग्य है प्राथमिक ने अगस्त 86 से मकान भत्ता भी  
नहीं लिया है ।

अतः विनम्र अनुरोध है विषयगत आवास प्राथमिक के  
पिता की सेवानिवृत्त तिथि दिनांक 28-2-87 से पूर्ण रूप से प्राथमिक  
के अधिकार में है । अतः दिनांक 1-3-87 से विषयगत आवास  
को आवंटित करके प्राथमिक के वेतन से दिनांक 1-3-87 से पूरा

TRUE COPY  
ATTACHED

G-8008, Rajajipuram, Lucknow

अखिलेश कुमार शर्मा  
R. N. Sharma

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किराया काटने के आदेश प्रदान करने की कृपा करें। प्राथमिक विधायक आवास के आसटन के लिये नियमों के अन्तर्गत हकदार है। विधायक आवास का आसटन रेलवे बोर्ड के सेवानिवृत्त नियमों के अन्तर्गत करके इसकी सूचना प्रवर मंडल लेखा० पूर्वोत्तर रेलवे लखनऊ एवं मुख्य कोषाधिकारी पूर्वोत्तर रेलवे गोरखपुर को भेजने की असीम कृपा करें।

प्राथमिक आपके इस कृतज्ञता पूर्ण कार्य के लिये हृदय से तदैव आपका ऋणी रहेगा।

आखिलेश कुमार शर्मा  
R. N. Sharma

प्राथमिक,

ह/० अखिला कुमार शर्मा,  
डीजल इंफ्रक्टर:  
वेतनमान १५०-१५००  
डीजल शोड गार्ड  
टोकन नं० ३०१

दिनांक: 22-7-87  
TR  
A  
[Signature]  
[Stamp]  
[Text]

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akilesh Kumar Sharma & others vs. Applicants.

AND

Union of India & others vs. Respondents.

Enclosure No. A-10

श्रीमान प्रवर मण्डल धार्मिक अभियन्ता,

पूर्वोत्तर रेलवे डीजल रोड, गोरखा ।

विषय:- रेलवे आवास सं० ई०/२९५ वी० हाइप द्वितीय के आवंटन के लिये -

संदर्भ :- प्रवर मण्डल धार्मिक अभियन्ता डीजल रोड के कार्यालय आदेश १ या/डीजल/आवास/गोरखा ८६-८७ दिनांक ०४-०२-८७

महोदय,

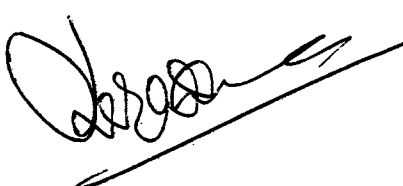
विभागगत आवास में प्राथमी आपके कार्यालय आदेश दिनांक ४-२-८७ के अन्तर्गत अगस्त १९८६ में अपने पिता श्री रामनिवास शर्मा प्रधान खजान्ची के साथ शौहर एकोमोडेशन में रह रहा था ।

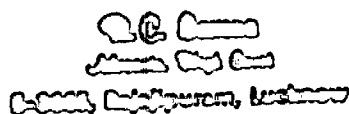
प्राथमी के पिता श्री रामनिवास शर्मा जो कि दिनांक २८-२-८७ को प्रधान खजान्ची के पद से सेवानिवृत्त हो चुके हैं।

प्राथमी के वेतन से अगस्त ८६ से रेलवे आवास के किराये की आधी धनराशि आज आवंटन पत्र देने तक काटी जा रही है । यह भी ध्यान देने योग्य है प्राथमी ने अगस्त ८६ से मकान भत्ता भी नहीं कलवा है ।

अतः विनम्र अनुरोध है कि विभागगत आवास प्राथमी के पिता की सेवानिवृत्त तिथि दिनांक २८-२-८७ से पूर्ण रूप से प्राथमी के अधिकार में है । अतः दिनांक ०१-०३-८७ से विभागगत आवास को आवंटित करके प्राथमी के वेतन से दिनांक ०१-०३-८७ से पूरा किरावा काटने के आदेश प्रदान करने की कृपा करेंगे । प्राथमी विभागगत आवास के आवंटन के लिये नियमों के अन्तर्गत हकदार है । विभागगत आवास का आवंटन रेलवे बोर्ड के सेवानिवृत्त नियमों के अन्तर्गत करके इसकी सूचना प्रवर महा लेखा अधिकारी पूर्वोत्तर रेलवे लखनऊ एवं मुख्य कोषा अधिकारी पूर्वोत्तर रेलवे गोरखापुर को

TRUE COPY  
AUG 1989





अकिलेश कुमार शर्मा  
R. N. Sharma

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भेजने की आत्मीय कृपा करेंगे ।

प्रायर्षि आपके इस कृतज्ञता पूर्ण कार्य के लिए हृदय से  
सदैव आपका कर्णी रहेगा ।

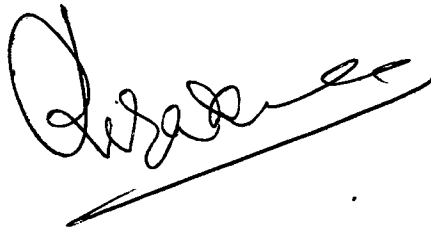
दिनांक:

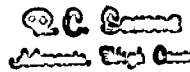
प्रायर्षि,

आरवले शकुप्रार शर्मा  
R. N. Sharma

ह/0 अखिलेश कुमार शर्मा,  
डी-फ़िटर ग्रेड तृतीय  
वेतनमान 950-1500  
डी जल रोड गोंडा ।  
दोकन नं० 301

TRUE COPY  
ATTESTED



  
D. C. Sharma  
D. C. Sharma  
D. C. Sharma, D. C. Sharma, Lucknow

28 (AEP)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others ... Respondents.

Enclosure No. A-11

Regd. A.D.

(FOR KIND AND PROMPT ATTENTION OF SHRI J. RAJAGOPALA-  
CHARI GENERAL MANAGER N.E. RAILWAY)

The General Manager,  
N.E. Railway, Gorakhpur.

Sir,

Sub:- Prayer for Arranging payment of my  
D.C.R.E. Alongwith Interest on D.C.R.E.  
G. amount for administrative delay.

Ref:- (1) My many representatives to Chief  
Cashier/GKP.

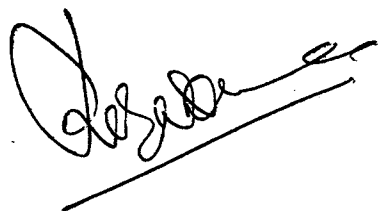
(2) Dy.CAO(T) GKP's order Communicated  
under Chief Cashier GKP's letter  
No. CP/76/20/1/1498 dt. 2.8.88

Aggrieved by non-payment of my D.C.R.E.  
even after 18 (eighteen) months of my retirement after  
faithfully and diligently serving the Rly administrati-  
on for over twenty nine years, I am constrained to  
knock at your honours door with the following submiss-  
ion:-

That, I retired from Railway Service as  
Head Cashier Gonda on 28.02.87.

That I was allotted Railway Quarter at Gonda  
during my service and in accordance with the instructi-  
ons issued by the Railway Board under their letter No.  
E(G)78 QR1-53 dt. 4.11.78 and guide lines issued in  
Para 1714 of Indian Railway Estt. Manual my son Shri  
Akhilesh Kumar Sharma who was also posted at Gonda as

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ATTESTED



R. N. Sharma  
Gonda, Gonda, Lucknow

आखिलेश कुमार शर्मा  
R. N. Sharma

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Diesel Fitter Gr. III was granted sharing of the above Rly accommodation with me from the date of his posting at Gonda in August, 86.

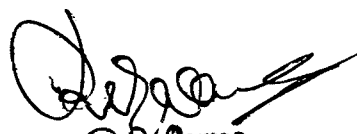
That on my retirement I requested vide my application dt. 23.03.87 to regularise and allot the aforesaid Railway Qr to my above named son in pursuance of Railway BD's order contained in their letter No. E(G) 66 Qr 1-11 dt. 25.6.66 on out of turn basis as my son is a Railway Servant eligible for Railway or of the same type and shared the Rly accommodation with me for more than 6(Six) months before my retirement Rly. BD's above instruction have been repeated from time to time vide BD's letter No. E(G) 78 QR-1-23 dt. 19.12.81 circulated under GM(P) GKP's letter No. E/575/1 -5 ( ) dt. 13.1.82. But despite our repeated application dated 23.3.87, 20.7.87, 21.11.87 etc, the said Rly Qr. has not yet been regularised in the name of my son. On the other hand, Chief Cashier Gorakhpur vide his letter No. CP/76/20/1/1502 dt. 2.8.88 has communicated Dy. CAO(T) GKP's decision to the effect that "Any such allotment is illegal and hence employee may be asked to vacate ..... " etc.

That it is not understood as to how in view of the repeated instructions of Rly Board for regularisation of Rly., Quarter of a retiring employee to his son, if otherwise eligible Dy. CAO(T) has come to the decision that any such allotment is illegal and that too after a lapse of about 18 months.

That, thus payment of my D.C.R.G. has been illegally withheld for about 18 months now.

I, therefore, most fervently request your goodness to regularise allotment of the Rly. Quarter in question in favour of my son Shri Akhilesh Kumar Sharma Diesel Fitter Gr. III working under Sr. DME(D)

TRUE  
ATTESTED

  
R. N. Sharma  
Chief Cashier, Gorakhpur, Lucknow

आखिलेश कुमार शर्मा  
R. N. Sharma

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Gonda w.e.f. 1.3.87 i.e. from the date of my retirement and arrange payment of my DCRG alongwith interest for delayed payment of DCRG as admissible under rules.

Hoping for an early action with a reply to the applicant.

Thanking you,

Gonda:  
Dt. 17/8/88

Yours Faithfully,

Sd/- R.N. Sharma  
Ex. Head Chshier,  
Q.No. E/295/B New Engineering  
Rly. Colony Gonda.

Copy of the above is submitted for information and prompt action to :-

1. F.A. & CAO N.E.Rly., Gorakhpur.
2. Chief Cashier N.E. Rly., Gorakhpur.
3. Shri Madav Rao Shindhia Hon'ble Minister Rly's New Delhi.
4. Sri P. Chidambaram Minister for pension & pensioner Welfare New Delhi.
5. Sri Mahabir Prasad Dy. Minister for Rly., Rail Bhawan New Delhi.

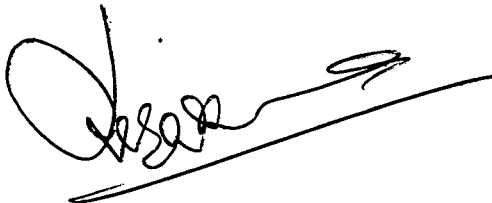
Gonda:  
Dt. 17/8/88

Yours faithfully,

Sd/- R.N. Sharma,  
Ex. Head Cashier,  
Q.No. E/295/B New Engineering  
Rly. Colony Gonda.

अखिलेश कुमार शर्मा  
R.N. Sharma

TRUE COPY  
ATTACHED



R.C. Sharma  
R.C. Sharma  
R.C. Sharma, Rajapuram, Lucknow

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**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW.**

O.A. No.                      of 1989 (L)

BETWEEN

Akilesh Kumar Sharma & others                      ...                      Applicants.

AND

Union of India & others                      ...                      Respondents.

Enclosure No. A-12

" FIRST REMINDER %

REGISTERED A/D

(For kind attention of Shri Gauri Shanker, General  
Manager Northern Eastern Railway)

To,

The General Manager,  
North Eastern Railway,  
Gorakhpur.

Sir,

Sub: PRAYER FOR ARRANGING PAYMENT OF MY SCRG  
Rs. 35,000.00 ALONGWITH INTEREST ON  
D.C.R.G. AMOUNT FOR ADMINISTRATIVE DELAY

- Ref: i) My many representations of Chief  
Cashier N.E. Railway, Gorakhpur.  
ii) Dy cao (T) GKP's order Communicated  
under Chief Cashier, GKP's letter No.  
CP/76/20 1498 dated 2.8.1988.  
iii) My representation on dt. 17.8.88 to  
your honour.

May I invite your kind attention to my  
representation dated 17.08.88 sent to your honour by  
Reg. Post/AD to which I have not been favoured with  
any reply so far and my entire DCRG amount continues  
to remain withheld till now.

That I retired from Railway Service as Head  
Cashier, Gonda on 28.2.87 and almost two years are go-  
ing to pass after my retirement but I have not been  
paid my DCRG amount so far.

That, I was allotted Railway Quarter at Gonda  
and my son Sri Akhilesh Kumar Sharma working as Diesel  
Fitter, Diesel Shed, Gonda was granted sharing of  
Railway accomodation with me from the date of his

32 (P31)

posting at Gonda in August. 86 in accordance with Railway Boards letter No. E(G)78QRI-53 dt. 4.11.78 after my retirement. I ~~am~~ requested for allotment of my Railway Quarter to my above named son out of turn basis in terms of Railway Boards letter No. E(G)66 Qr.1-11 dated 25.6.66 as repeated from time to time. But despite Rly. Board instruction on the subject and despite my son's eligibility for allotment of the said Railway Quarter after my retirement, Dy.CAO(T) Gorakhpur has rejected the request in violation of Railway Board Instructions as a result I am not getting my DCRG for no fault of mine but as a result of administrative error and delay.

I therefore, most fervently pray to your honour to intervene in the matter and be kind enough to allot the Rly. Quarter to my son from the date of my retirement and also arrange payment of my DCRG with interest for the delayed paid.

Praying for an early favourable action under advice.

Thanking you,

Yours faithfully,

Sd/- R.N. Sharma,  
Ret. Head Cashier,  
Rly. Qr. No. E/295-B  
New Engineering Railway  
Colony, Gonda.

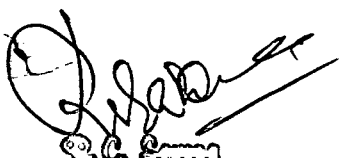
Copy of the above is submitted in continuation of my earlier representation dt. 17.8.88 for information & Prompt action to:-

1. FA & CAO, NE.Rly. Gorakhpur.
2. Chief Cashier, N.R. Rly, Gorakhpur.
3. Shri Madav Rao Sindhia, Hon'ble Minister for Railway, Rail Bhawan, New Delhi.
4. Shri P. Chindambaram, Hon'ble Minister for Pension and Pensioner's Welfare, New Delhi.

Dated: 24.12.88

( R.N. Sharma )

अरिक्ताशकुमार शर्मा  
R. N. Sharma

  
R. N. Sharma

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

BETWEEN

Akilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others ... Respondents.

Enclosure No. A-13

क्रमांक - 0-135  
संख्या ई0/575/1 भाग-5 चार।  
सभी विभागाध्यक्ष,  
सभी मंडल रेल प्रबन्धक,  
सभी कार्मिक अधिकारी,  
सभी अतिरिक्त मंडल अधिकारी। स्थापना।  
पूर्वोत्तर रेलवे।

पूर्वोत्तर रेलवे

कार्यालय महा प्रबन्धक  
गोरखपुर।  
दिनांक 13-1-1988.

विषय:- सेवानिवृत्त अथवा सेवा के दौरान मरे कर्मचारियों  
के आश्रितों के नाम रेलवे क्वार्टर के आवंटन का  
विनियमन।

रेलवे बोर्ड के दिनांक 19-12-1981 के पत्र संख्या ई।जी। 78  
क्यू आर-1-23 की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्यवाही  
द्वेष प्रेषित है। बोर्ड का संदर्भित पत्र दिनांक 25-6-66 इस कार्यालय  
के समसंबंधक परिपत्र क्रमांक 556 दिनांक 26-7-66 द्वारा परिचालित  
हुआ है।

संलग्नक/संयोजक

ह/0 अपठनीय  
12-1-82

रुते महाप्रबन्धक। कार्मिक।

महाप्रबन्धक सभी भारतीय रेल एवं अन्व को प्रेषित रेलवे  
बोर्ड के पत्र संख्या ई।जी। 78 क्यू आर 1-23 दिनांक 19-12-1981  
की प्रतिलिपि।

कृपया रेलवे बोर्ड का 25-6-66 का पत्र सं० ई।जी। 66 क्यू  
आर 1-11 देखें जितमें यह व्यवस्था है कि रेलवे आवास के आवंटी रेल  
कर्मचारी के सेवानिवृत्त हो जाने पर, अथवा उसकी सेवाकाल में मृत्यु हो  
जाने पर उसके पुत्र, पुत्री, पत्नी, पति अथवा पिता को रेलवे आवास बिना  
वारी आवंटी किया जाये वगैरह कि कथित सम्बन्धी रेल कर्मचारी

*[Handwritten signature]*

**C. C. Sharma**  
General Manager, Lucknow

अरविश कुमार शर्मा  
R. N. Sharma

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के साथ उसकी सेवा निवृत्ति अथवा मृत्यु की तारीख से कम से कम 6 महीने पहले से उसके साथ आवास में रह रहा हो। उसमें यह भी व्यवस्था की गयी थी कि यदि सम्बन्धी उसी टाइप अथवा इससे उच्चतर टाइप का पात्र है तो उसके नाम वही क्वार्टर विनियमित कर दिया जाये। अन्य मामलों में पात्र टाइप का अथवा उससे निचले टाइप का आवास आवंटित किया जाये।


रेल मंत्रालय ने अब यह विनिश्चय किया है कि उक्त रियायत देना जारी रखा जाये लेकिन शर्त यह है कि जिन मामलों में सेवा-निवृत्त अधिकारी अथवा उसके परिवार के किसी सदस्य के पास उसकी तैनाती के स्थान पर अपना मकान है तो उस अधिकारी का कोई बिना बारी के लिये क्वार्टर के आवंटन का पात्र नहीं होगा।

ह/० के०के० लाहड़ी  
डेस्क अधिकारी, स्था०  
सामान्य।

=====

आरिक्ले श कुमार शर्मा  
R. N. Sharma

TRIP COPY  
R. N. Sharma

  
R. N. Sharma  
Joint Secy  
Railways, Lucknow

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(All)


Copy of Railway Board's letter No. E(G)78QR1-23 dated 19.12.1981 addressed to the General Managers, All India Railways and others.

Sub:- Regularisation of allotment of Railway Quarters in the name of dependents of a Railway servant who retires from or dies while in service.

Reference Railway Board's letter No. E(G)66QR1-11 dated 25.6.66 wherein it was provided that when a Railway servant who has been allotted Rly. accommodation retires from service or dies in service, ~~his/her~~ his/her son, daughter, wife, husband or father may be allotted Rly. accommodation on out of turn basis provided that the said relation was Railway servant eligible for Railway accommodation and had been sharing accommodation with the retiring or deceased railway servant for atleast six months before the date of retirement or death. It was also provided therein that the same residence might be regularised in the name of the relation if he/she was eligible for a residence of that type or a higher type. In other cases a residence of entitled type next below was to be allotted.

The Ministry of Railways have since decided that the above concessions should be continued with the provision that in cases where the retiring officer or the number of his family owns a house in the place of his/her posting, the specified relative will not be eligible for allotment of Rly. Qrs, on out of ~~turn~~ turn basis.

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TRUE COPY  
ATTESTED

  
R. N. Sharma  
General Manager, Bangalore

आरवलेश कुमार शर्मा  
R. N. Sharma

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Had Day  
4/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH  
LUCKNOW

Regn.No.70 of 1989 (L)

Between

Akshillesh Kumar Sharma & another. ... Applicants

and

Union of India and others. ... respondents.

(Fixed for 4.5.1989)

Received  
Duplicate copy  
4/5/89

C O U N T E R   R E P L Y

I, Ram Lal aged about 57 years working as Chief Cashier, N.E. railway, Gorakhpur, do hereby state as under:-

1. That the above named official is impleaded as respondent No.3 in the present application and as such he is fully conversant with the facts and circumstances of the case and has been authorised by other respondents to file this Counter reply.

2. That before giving parawise reply to the present application the answering respondents crave leave of this Hon'ble Tribunal to raise the following preliminary objections which may be decided before taking up the case on merits:

P R E L I M I N A R Y   O B J E C T I O N S

(A) Whether two applicants can seek two different reliefs in single claim application ?

(Contd.)

Ram Lal  
4/5/89

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(B) Whether the claim application itself would be maintainable against the order, which was passed by an officer who was not made party in the claim application?

3. That the contents of para 1 of the claim application is denied as stated. By J.A.O.(I) did not pass the order No. CP/76/20/1/1438 dated 2.8.1988 as alleged. Annexure No.A-1 indicates the date of order on 28.7.88. Similarly the order No.CP/76/20/1/175 dated 24.1.89 is also not passed by the General Manager, North Eastern Railway, Gorakhpur. It is rather a communication of the General Manager's decision.

4. That the contents of paras 2 and 3 of application do not call for reply.

5. That before giving reply to para 4 of the application the brief facts of the case may be stated as follows :-

(i) Sri R.N.Sharma, the applicant No.2, Ex-Head Cashier, Gonda was allotted a Railway Quarter No.E/295/8 (Type-II) at Gonda. The applicant No.2 was retired from service w.e.f. 28.2.87 at the age of superannuation and accordingly he was liable to vacate the said Rly. Quarter w.e.f. 28.2.1987.

(ii) The applicant no.2 for the first time submitted an application dated 27.3.87 to the Chief Cashier, Gorakhpur i.e. after a month from the date of his retirement, alongwith a copy of the order No. या/डीजल/आवास/गोष्ठा/86-87 dt.4.2.87, issued from the office of Sr.D.M.E., Diesel, allowing the applicant No.1 to share 50% accommodation of the said Rly. Quarter, with a request to allot the next 50% allotment of the said Railway Quarter may be made in favour of his son, the applicant no.1 since he has been retired from service w.e.f. 28.2.87.

(a) That as per policy the quarters over this Railway have been pooled up and distributed under the control of respective departmental heads and accordingly the

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quarters pooled for one department can not be allotted to the staff of another department or by the officer of other department.

- (b) That since the aforesaid railway quarter belongs to the pool of respondent no.3 and not of Mechanical Pool and the Sr.D.M.E./Diesel had issued the said order without prior permission and without information to respondent no.3 who is the controlling officer for allotment of said railway quarter of Cash and Pay's pool and which does not come under the subordination of Sr.D.M.E.(Diesel), the said orders itself were illegal and without jurisdiction.
- (c) That besides this against the clear instructions of various Railway Board circulars the Sr.D.M.E./Diesel has issued the uncalled for and illegal order dated 4.2.87, just 25 days before the retirement date(viz 28.2.87) of applicant no.2 stating therein that applicant no.1 is residing with his father applicant no.2 w.c.f. 2.8.86 and that excess paid house rent allowance and 50% amount of the said railway quarter rent may be recovered from the pay bill of applicant No.1 with a view to extending illegal benefit to him as they were liable for the penal action for the said act.

In view of the above, the said order dt.4.2.87 issued by Sr.D.M.E./Diesel, Gonda was not considered genuine by Dy.C.A.C.(T) and subsequently by the General Manager, accordingly the applicant no.2 was advised to vacate the said railway quarter still lying in his possession so that his D.C.M.G. payment could be arranged early.

- (I) That the contents of para 4(I) of applicant is not admitted as stated. As explained earlier the Dy.C.A.C.(T) did not issue the order dated 2.8.88 as alleged. Similarly the order dated 24.1.89(wrongly mentioned in application as 21.1.89) is also not issued by the General Manager.

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(II). That the contents of para 4(II) of application is not disputed.

(III). That the contents of para 4(III) of application as stated is not admitted. As a matter of fact the applicant no.1 was not at all entitled to reside with his father in railway Quarter in terms of railway Board's letter No.2(G)71Q1-4 dt. 27.2.71 and its clarification thereof vide letter dated 11.2.82 Photocopies of such letters dated 27.2.71 and 11.2.82 are being filed herewith as Annexure No.R-1 and R-2 respectively to this reply.

(IV). That the para 4(IV) of application is not disputed but it is stated that it has got no relevance with the present case.

(V). That the para 4(V) of application is not disputed but it is stated that the said application itself proves the illegal act committed by the applicants.

(VI). That in reply to contents of para 4(VI) of application it is stated that the allotment of Share accommodation vide order dated 4.2.87 issued by Sr.D.M.E.(Diesel)Gonda in respect of Applicant No.1 with Applicant No.2 was quite improper. Moreover, no such approval was taken from the side the Respt.3 who is the competent and controlling authority for the allotment of the railway Quarter of Cash and Pay's pool, being a separate pool for Cash and Pay staff. The Sr.D.M.E.(Diesel)Gonda is not at-all competent to allot the said quarter of Cash and Pay's pool to his staff. The quarter in question which is still in possession of Applicant No.2 is a post allotted quarter is meant for the locally essential staff of Cash and Pay/Gonda, so that other departmental officer like Sr.D.M.E.(Diesel)Gonda is not authorised to allot it to any one amongst his own staff.

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S. R. Mr. Corridor

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(VIII). That in reply to contents of para 4(VIII) of application it is stated that the application dated 27.3.87 (not 23.3.87) along with a photostat copy of Sr.D.M.L.(Diesel) N.E.Railway, Gonda's office order No.य/डीजल/आवास/गोन्डा/86-87 dated 4.2.87 and the reminders dt.20.7.87 and 2.11.87 thereof were received in this office of Respondent no.3 for the first time, after which the case was examined in detail at the competent level and the Sr.D.M.L.(Diesel), N.E.Rly., Gonda was asked to clarify as to on what ground he had issued his order dated 4.2.87. This was further pursued with the Sr.D.M.L.(Diesel) Gonda through office letter No.JP/76/20/1/200 dt.10.6.87 and

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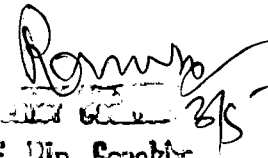
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28.12.87, 1.1.88 of even no.CP/76/20/1/1980 dated 20/29.9.88 and subsequently due to non-receipt of reply from Sr.D.M.E.(Diesel) the applicant no.2 was advised vide letter No.CP/76/20/1/1498 dated 2.8.88 to vacate the Railway Quarter in his possession early so that on getting clearance certificate through DC/LJN, the payment of his D.C.R.G.would be arranged in view of the Railway Board's letter No.L(G)81(R1-51 dated 24.4.82 a copy of which is being filed herewith as Annexure No.R-3 to this reply. (IX). That ~~in reply to~~ contents of para 4(IX) of application is denied as stated.The said applications were never received by the office of respondent no.3 till date.

(X). That the contents of para 4(X) of application is not admitted as stated. As a matter of fact the order of Dy.J.A.O.(T) was communicated by the respondent no.3 vide his order dated 2.8.88 to the applicant no.2.

(XI). That in reply to the contents of para 4(XI) of ~~xxxxxxx~~ application it is stated that the application dt. 17.8.88 of Applicant No.2 addressed to Respondent No.2( i.e. General Manager,N.E.Railway,Gorakhpur) was put up before the competent authority and it was decided at the competent level i.e. F.A.& C.A.O.,N.E.Railway,Gorakhpur that Sr.D.M.E.(Diesel) Gonda may be asked on what basis he had issued the said order dated 4.2.87.Accordingly Sr.D.M.E.(Diesel)Gonda was apprised of this decision,vide this office letter No.CP/76/20/1/1988 dated 20/29.9.88 and the reply is still awaited from him.A copy of letter dated 20/29.9.88 is being filed herewith as Annexure R-4. In this connection it is also submitted that the application dated 24.12.88 was put up before Respondent No.2(i.e. G.M., N.E.Railway,Gorakhpur) and it was held that the applicant manipulated for allotment illegally and not eligible to retain the quarters hence D.C.R.G.with-held and the same was conveyed

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to the Applicant No.2 vide office letter No.SP/76/20/1/175 dated 24.1.89 as contained in Annexure No.A-2 to this application. (XII). That the contents of para 4(XII) of application is denied in view of reply given in para XI above. (XIII). That the contents of para 4(XIII) of application is not admitted as stated. The provisions of the Railway Board's circular has been misinterpreted by the applicant by suppressing further instructions issued in this regard for his own use. The said circular contained in Annexure No.A-13 read with railway Board's circulars dt.27.2.71 and 11.2.82 contained in Annexures No.K-1 and K-2 would itself clarify the position. That the applicant No.2 manipulated the allotment illegally because he was retired from railway service w.e.f.28.2.1987 and without making any request for himself or from Applicant No.1 to the Respondent No.3 who is controlling Authority of the Quarter of Cash and Pay's pool, he managed to get the share accommodation order of railway Quarter No.E/295-B(Type II) at Gonda from the Sr.D.M.E.(Diesel)Gonda on 4.2.87, vide his office order No. या/डीजल/आवास/गोंडा /86-87, just before 25 days from the date of Retirement(viz.28.2.87) of Applicant No.2. A perusal of order dated 4.2.87, would clearly indicate that applicant no.1 has continuously drawn the house rent Allowance from his date of Appointment i.e. 2.8.86 to 4.2.87 which was subsequently not recovered which is contrary the provisions contained in railway Board's letters which are being filed herewith as Annexure No.K-1 and K-2 to this reply.

As the allotment so made, is in violation of provisions of the standing instructions of railway Board as quoted above. Hence he is not eligible for railway Quarter in question.

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Page 2

(XIV). That in reply to the contents of para 4(XIV) of application as stated is not admitted. It is further stated that as far as the sharing accommodation of Applicant No.1 with that of Applicant No.2(i.e. his father) is concerned, it was also not in the knowledge of Respondent no.3 till the applicant no.2 submitted an application dated 27.3.87 alongwith the order of Sr.P.M.L.(Diesel)/Gonda dated 4.2.87. As regards any other house in possession of Applicant no.1 at Gonda is concerned it is also not known to the office of the Respondent no.3 as he is a railway employee of other department.

(XV). That the contents of para 4(XV) of application is categorically denied. The applicant no.1 does not fulfill the requisite conditions of Share accommodation as laid down in Railway Board's circular letter No.E(G)714R-1-4 dated 27.2.1971 a copy of which is contained in Annexure No.R-1, the extract of the same may be read as under :-

"In the case of Railway Servant who having been allotted railway accommodation, retires from service or dies in service, his/her, son, daughter, wife, husband, father may be allotted railway accommodation on out of turn basis provided that the said relation is a Railway Servant eligible for railway accommodation and had been sharing accommodation with the retiring or deceased Railway servant for atleast six months before the date of retirement or death.

Attention in this connection, is invited to para 4(c) of Board's letter No.FC-66/HA-1/21 dt.26.7.67, whereby the said relation, who has been sharing accommodation with the retiring or deceased employees are not eligible for house rent Allowance. It should be ensured that "no out of turn" allotment of accommodation is made to any such persons if they have been drawing house rent allowance suppressing

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 P. E. Mr. Pradhan

[Signature]  
 Mr. [Signature]  
 F. H. [Signature]

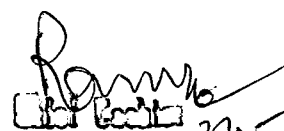
- (a) Both the applicants have themselves acted illegally by not adopting the proper procedure and authority for the allotment of the railway quarter in question within time.
- (b) Before the issue of uncalled for share accommodation order dated 4.8.87 by Sr.D.M.L.(Diesel) Gonda, both the applicants did not disclose to respondent no.3 that the applicant no.1 is residing with applicant no.2(with his father).
- (c) As per Annexure 'A'-3 to the application it is clear that the applicant no.1 made a request vide his application dated 12.9.86 to Sr.D.M.L.(D) Gonda to the effect that he is residing in railway quarter with his father i.e.Applicant no.2 and that he may be allowed to share the accommodation with his father and his payment of house rent allowance may be stopped which itself shows that he was getting house rent allowance at that time.

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(d) As per Railway Board's mandatory orders dated 27.2.71, the applicant no.1 must reside for atleast six month with applicant no.2 in railway quarters in question, before the date of retirement i.e. before 28.2.87. But as per para 4(IV) of this application it is learnt that the applicant no.1 was appointed as Diesel Fitter w.e.f. 2.8.86 and he had also been drawing continuously house rent allowance from the date of his appointment i.e. 2.8.86 and as such to cover the period of six months as per above Railway Board's order the applicant no.1 anyhow manipulated to get the order passed from Sr.D.M.L. (Diesel)/Gonda on 4.2.87, by refunding the entire amount of house rent allowance already drawn from 2.8.86 to 4.2.87 i.e. lump-sum to bring him at par for enabling him for the share accommodation in railway quarter and all these facts were not brought in the notice of the Respondent no.3, as such there are the sufficient grounds for manipulating the allotment ~~xxx~~ of share accommodation order by applicant no.1. (XVIII). That in reply to the contents of para 4(XVIII) of application it is stated that the settlement dues are paid to the retired employee after submitting the clearance certificate and complete handing over charges to his employer. But in the case of Applicant no.2, he has not submitted so far his clearance certificate to the Respondent no.3 through his Sub-Divisional Cashier/Gonda and Divisional Cashier, Lucknow, as he has not still vacated the Railway Quarter No.L/295/B (Type-II) at Gonda in which he is still residing. Besides this ~~xxx~~ all the settlement dues which were earned by the applicant no.2 during his service have already been paid timely without any complaint but the L.J.K.G. payment is not an earned amount of the applicant no.2. It is given to the

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retired employee for good and efficient service, hence D.C.R.G. payment has been detained for non-vacation of the Railway Quarter in terms of Railway Board's letter No.2(G)81QR1-51 dated 24.2.82 reproduced in Railway Board's letter No. 2(G)86QR1-2 dated 30.3.88. A copy of letter dated 30.3.88 is being filed herewith as Annexure No.R-5 to this reply.

(XIX). That the contents of para 4(XIV) of application is denied as it is submitted that the order of Respondent no.2 still holds good because Applicant no.2 is still residing in the said Railway Quarter and has not vacated so far.

(XX). That the contents of para 4(XX) of application is denied as it is stated that in terms of Railway Board's letter dated 30.3.88 as contained in Annexure No.R-5 to this reply, D.C.R.G. of an employee can be with-held if he does not vacate the Railway quarter after his retirement.

(XXI). That the contents of para 4(XXI) of application is denied as it is submitted that the payment of D.C.R.G. of applicant no.2 has been detained because he has not vacated the Railway Quarter No.1/295/B(Type-II) at Gonda which is still in his possession and because he is not submitting his clearance certificate through Sub-Divisional Cashier, N.E.Railway, Gonda in terms of Railway Board's letter No. 1(G)81QR1-51 dated 24.4.82 and No.2(G)86QR1-2 dated 30.3.88, inspite of several reminders.

6. That the contents of para 5 of application is completely denied as irrelevant, baseless, confusing, and having no force of law.

7. That the contents of paras 6 and 7 of application do not call for reply.

8. That the applicants are not entitled to claim any such relief from this Hon'ble Tribunal.

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A. S. Singh, Secretary

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9. That in view of above xxx facts the Hon'ble Tribunal's ex-parte order dated 21.3.89 staying the eviction of applicant from the said Railway Quarter is fit to be set-aside.

10. That the contents of paras 10 to 12 of application do not call for reply.

Gorakhpur  
Dated 3rd May, 1989.

*Ram Lal*  
( Ram Lal )  
Respondent No.3  
*3/5*  
C. E. B. Gorakhpur

V e r i f i c a t i o n :

I, the above named respondent do hereby verify that the contents of para 1 of this reply is true on the basis of personal knowledge, and those of paras 2 to 10 of this reply are believed by me to be true on the basis of official records and legal advice.

Gorakhpur  
Dated 3rd May, 1989.

*Ram Lal*  
( Ram Lal )  
Respondent no.3  
*3/5*  
C. E. B. Gorakhpur

vsl/

In The Central Administrative Tribunal,  
Lucknow Bench; Lucknow

(13)

Registration No 70 of 1989(L)  
Akhilesh Kumar Sharma & others

Act

Union of India & others

ANNEXURE NO R-1

Copy of letter No.E/575/1 Pt.II(IV) S.No.2042 dated 16/4/71 from GM(P)/  
to all Heads of Departments and others N.E.Rly.

Sub:-Regularisation of allotment of railway quarters  
in the name of a railway servant who retires from  
or dies while in service.

Copy of Railway Board's letter No.E(G)71 R1-4 dt.27/2/71 is forwarded  
for information, guidance and necessary action.

Rly.Bd's letters dt.25/6/66 and 26/7/67 as referred to therein were  
circulated vide this office circular no.E/IV/8/1 Pt.I dt.26/7/66 and No.  
E/VI/9/12 Duplicate dated 23/10/67 respectively.

Copy of Railway Board's letter No.E(G)71 R1-4 dated 27/2/1971 addressed  
to the General Managers, All Indian Railways & others.

Sub:-Regularisation of allotment of Railway Qtrs.  
in the name of a railway servant who retires  
from or dies while in service.

Reference Board's letter No.E(G)66 R1-11 dt.the 25th June 1966.

In accordance with the orders contained in their letter referred to  
above, in the case of a railway servant who having been allotted railway  
accommodation, retires from service or dies in service, his/her son, daughter,  
wife, husband or father may be ~~in service~~ allotted railway accommodation on  
out-of-turn basis provided that the said relation is a railway servant eligible  
for railway accommodation and had been sharing accommodation with the retiring  
or deceased railway servant for at least six months before the date of  
retirement or death.

Attention, in this connection, is invited to para 4(C) of Board's letter  
No.PC-66/EP-1/21 dated the 26th July, 1967, whereby the said relation who has  
been sharing accommodation with the retiring or deceased employees are not  
eligible for house rent allowance. It should be ensured that no out-of-turn  
allotment of accommodation is made to any such persons if they have been drawing  
house rent allowance suppressing the fact that they were sharing the  
accommodation allotted to their father/son/husband/wife.

No.AD/63/1037/83/

Dated 3.5.71.

Copy forwarded for information and guidance to All Sectional Officer  
for Jharkhand/Enatnagar and All DAOs.

Attested

*[Signature]*  
for P.A. & Chief A/cs Officer/AD.

for P.A. & Chief A/cs Officer/AD.

Copy of Railway Board's letter No.E(G)78QR1-23  
dated 11.2.1982 addressed to the General Manager's  
and others.

Sub: Regularisation of allotment of Railway  
quarter in the name of dependents of  
railway servant to retires from or dies  
while in service.

Ref: Reference Railway Board's letter of even  
no. dated 19.12.1981.

.....

A point has arisen whether a specified relative  
(Son/Daughter/Wife/Husband etc.) sharing accommodation  
with the railway servant concerned can refund house rent  
allowance claimed by him during the period he was sharing  
accommodation with the railway servant concerned so as  
to satisfy the condition of 6 months stay for being  
eligible for allotment of railway quarters out of turn.

It is clarified that a specified relative who had been  
sharing accommodation with the retiring or deceased employee  
was not eligible for house rent allowance and therefore  
the question of refunding the house rent allowance does  
not arise. If he had drawn house rent allowance supressing  
the facts that he was sharing accommodation with the  
concerned railway servant, he will not be eligible for  
allotment of railway quarters on out of turn basis in  
terms of this Ministry's letter No.E(G)71QR1-4 dated  
27.2.1971.

Attested  
[Signature]  
Joint Secy.  
1. E. R. Sankar

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ACB

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R-2(B)

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सं.पा. 50-138

क्रमांक 1249

सं. 1/5/82 (आ.प्र.)

सर्वोच्च न्यायालय,  
सभी भारतीय रेल प्रबन्धक,  
सभी कार्मिक अधिकारी,  
एच. जे. एल. मंडलाधिकारी (स्थापना),  
पुणे रेलवे,

पुणे रेलवे

कार्यालय, महाप्रबन्धक (कार्मिक),  
गोआपुरा:

दिनांक 25-2-1982

विषय:- उस रेल कर्मचारी के, जो सेवा निवृत्त हो जाता है अथवा  
जिसकी सेवा के दौरान मृत्यु हो जाती है, आश्रितों के नाम  
क्वाटर के आवंटन का विनियमन।

सर्वोच्च न्यायालय के दिनांक 11-2-82 के पत्र सं. ई(जी) 78 अ.आ. 1-23 को  
प्रतिलिपि सह मागदर्शक एवं आवश्यक कार्यवाही हेतु प्रेषित है। वहीं का संदर्भित  
पत्र दिनांक 27-2-71 इस कार्यालय के समस्त पत्र (क्रमांक 2042) दि. 16-4-71 द्वारा  
द्वारा परिचालित हुआ है।

सहायक/पुणे रेलवे

महाप्रबन्धक (कार्मिक)

महाप्रबन्धक सभी भारतीय रेल एवं अन्य की प्रेषित रेलवे बोर्ड के पत्र सं.  
ई(जी) 78 अ.आ. 1-23 दिनांक 11-2-82 की प्रतिलिपि।

विषय:- उस रेल कर्मचारी के, जो सेवा निवृत्त हो जाता है अथवा  
जिसकी सेवा के दौरान मृत्यु हो जाती है, आश्रितों के नाम  
रेलवे क्वार्टर के आवंटन का विनियमन।

कृपया रेलवे बोर्ड का 19-12-1981 का समस्त पत्र देखें।

एक प्रश्न उठाया गया है कि क्या सम्बन्धित रेल कर्मचारी के साथ आवास में  
रहने वाला निर्दिष्ट संबंधी (पुत्र/पुत्री/पत्नी/पति आदि) बिना वारी रेलवे क्वार्टर के  
आवंटन के लिए पत्र बनाने के वास्तु 6 महीने साथ रहने का शर्त पूरी करने के लिए  
संबंधित कर्मचारी के साथ आवास में रहने की अवधि के दौरान उसके द्वारा लिये गए  
मकान किराया भत्ते की रकम वापस कर सकता है यह स्पष्ट किया जाता है कि सेवा-  
निवृत्त कर्मचारी अथवा कर्मचारी जिसकी मृत्यु हो जाती है, उसके साथ आवास में रहने  
वाला निर्दिष्ट सम्बन्धी मकान किराया भत्ता पाने के हकदार नहीं था, इसलिये मकान  
किराया भत्ता लौटाने का प्रश्न ही नहीं उठता। यदि उसने इस तथ्य को ध्यान में रखा कि  
वह सम्बन्धित रेल कर्मचारी के साथ उसके आवास में रह रहा है, मकान किराया भत्ता  
लिया है तो वह इस मंत्रालय के 27-2-71 के पत्र सं. ई(जी) 71 अ.आ. 1-4 के अनुसार  
बिना वारी के आधार पर रेलवे क्वार्टर के आवंटन का पात्र नहीं होगा।

19-12-81

तथा (क्रमांक 1227) दिनांक 13-1-82

Mester

Ram

वि.सं. 11/5/82

In The Central Administrative Tribunal  
Lucknow Bench; Lucknow  
Registration No 70 of 1989 (4)  
Anillesh Kumar Sharma & others  
Union of India & others ANNEXURE No R-3

Copy of Railway Board's letter No. L(G) 81QR1-51 dated 24.4.82 to  
All GMs/Indian Railways and others.

Sub :- Unauthorised retention of Rly. Quarters by  
retired Railways and staff- Steps to be  
taken for vacation of-

16

420

On the Rlys. there is an acute shortage of Rly. quarters  
for officers & Staff. This shortage is further accelerated by  
unauthorised retention of the quarters by officers and staff after  
their retirement. Eviction proceedings for getting the quarters  
vacated, are normally protracted. As a result a large number  
of officers and staff is deprived of the privilege of Rly. quarters.  
The Ministry of Rlys. have viewed this situation with concern and  
have decided that the Rly. Admn. should take the following steps  
to discourage unauthorised retention of Rly. quarters by retired  
officers and staff :-

- i) 'No claim' certificate should not be given unless the  
employee after retirement has vacated the Rly. quarters  
and cleared all his arrears of rent, electricity and other  
charges etc.
- ii) Settlement dues of the employee should be finalised with  
and appropriate 'hold-back' amount from DCRG/Spl. contribution  
to PF., as the case may be, for rent recoveries, as permissible  
under extant rules.
- iii) For every one month of unauthorised retention of Railway  
quarters, one set of post-retirement passes should be disallowed.  
A show cause notice to this effect may be issued to the  
retired employee before disallowing the pass.

The above stipulations apply to officers/staff occupying  
transit flats, Rly. Rest Houses, Rly. leased houses and Railway  
quarters temporarily transferred to Directorate of Estates Pool,  
but do not apply to officers and staff occupying houses owned by  
the Directorate of Estates.

आध्या- प्रशासन/03/1037/94/ 472

दिनांक 13-7-1982

प्रतिनिधि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- विंसेड एवं मुख्य लेखाधिकारी/निर्माण, सर्वे, पूर्वोत्तर रेलवे, गोरखपुर ।
- 2- मुख्य लेखाधिकारी, पूर्वोत्तर रेलवे, कानन, इज्जतनगर, समस्तीपुर, सोनपुर, वाराणसी ।
- 3- कारखाना लेखाधिकारी, पूर्वोत्तर रेलवे, गोरखपुर, गोरखपुर कावनी, इज्जतनगर, समस्तीपुर  
मोकामा घाट ।
- 4- प्रधान लेखाधिकारी, डी०एच०एच०, पूर्वोत्तर रेलवे, गोरखपुर, इज्जतनगर, समस्तीपुर ।
- 5- समस्त अनुभागाधिकारी, लेखा मुख्यालय, पूर्वोत्तर रेलवे, गोरखपुर ।
- 6- जवर लेखाधिकारी, पूर्वोत्तर रेलवे, इज्जतनगर ।

Attested

Ram

1. R. M. S. (Sd/-)

श्री विंसेड एवं मुख्य लेखाधिकारी, प्रशासन

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In The Central Administrative Tribunal,  
Lucknow Bench, Lucknow.  
Registrations No. 70 of 1989(L)  
Aniruddh Kumar Sharma & others

(17)

Union of India & others

ANNEXURE, R-4

N.R.RAILWAY.

OFFICE OF THE CHIEF CASHIER

GORAKHPUR

Dt. 20-9-88

No. CR/76/20/1/988

The Sr. D. H. E/Diesel,  
N.E. Railway,  
Gorakhpur.

Sub: Share Accommodation of Railway Car No. 2/295/B (Type  
-II) at Goods of Shri R. N. Sharma ex. Hq. Cashier/CO.

Ref: Your office order No. 27/51361/2950PT/2705/24-27  
dt. 4.2.1987.

\*\*\*\*\*

With reference to above it is intimated that P&AO,  
MR RIV, Gorakhpur has to make the following remarks:-

" Please ask Sr. DME/D, how has he allotted this quarter  
to a Diesel Filter."

Please arrange to communicate your views on the above  
lines so that the same may be put up to P&AO for his information  
and necessary orders.

An early reply would be highly appreciated.

*Mookerjee*

Chief Cashier.

*Ramesh Chandra*

Sr. D. H. E/Diesel

*W*

In The Central Administrative Tribunal.  
Lucknow Bench, Lucknow.

Registration No 70 of 1989 (L)

Akhilish Kumar Sharma & another  
Vs  
Union of India & others

Annexure No R-5

203

भारत सरकार, रेलवे बोर्ड के पत्र सं0ई(जी)86 क्यू.आर.1-2 दि030.3.88 से  
का प्रतिनिधि जो विसमूलेधि सभी भारतीय रेलें एवं अन्य को प्रेषित है।

विषय - सेवानिवृत्त रेल अधिकारियों और कर्मचारियों द्वारा रेलवे क्वार्टरों को  
अनधिकृत रूप से अपने पास रखे हुए क्वार्टरों को जाली कराने के लिए  
दिये गये प्रयास।

उपर्युक्त विषय पर इस मंत्रालय के 24.2.82 के पत्र सं0ई(जी)81 क्यू.आर.1-51  
में, चर अंकित किया गया था कि अधिकारियों और कर्मचारियों के लिए रेलवे के क्वार्टरों  
की अत्यधिक कमी है और अधिकारियों तथा कर्मचारियों द्वारा अनधिकृत रूप से अपने पास  
क्वार्टर रखे रहने से यह कमी और भी बढ़ जाती है और क्वार्टर जाली कराने के लिए  
वैकल्पिक कार्रवाइयों में सामंजस्यता बिम्ब हो जाता है। सेवा निवृत्त अधिकारियों और  
कर्मचारियों द्वारा रेलवे क्वार्टरों के अनधिकृत कब्जे को समाप्त करने के लिए रेल प्रशासनों  
को राशद दी गयी है कि वे निम्नलिखित कदम उठाये :-

- (1) अब तक रेल कर्मचारी क्वार्टर न जाली कर दे और बिराया, बिजली तथा अन्य  
प्रभार आदि उसके सभी कवायों का समन्वयन कर न दिया गया हो, बेगाकी  
प्रमाण पत्र न दिया जाये,
- (2) वर्तमान नियमों के अन्वयेन यथानुमेय बिराया वस्तुओं के लिए कर्मचारियों के पावने  
की राशि की मृत्यु एवं सेवा निवृत्त उपदान भविष्य निधि में विशेष अंशदान से  
उपयुक्त "होल्ड बैक" राशि में से वसूल कर लिया जाये।
- (3) रेलवे क्वार्टरों के अनधिकृत कब्जे को प्रत्येक माह के लिए सेवानिवृत्ति के बाद का  
पास का एक सेट अस्वीकृत कर दिया जाये। पास अस्वीकृत करने से पूर्व सेवा  
निवृत्त कर्मचारी को एक (कारण बताओं) नोटिस जारी किया जाये।

2- इस मंत्रालय के 4.6.83 के पत्र सं0ई(जी)81 क्यू.आर.1-51 पार्ट के अन्तर्गत  
हिमति जंगे और बन्द की गयी थी।

3- अब इस मंत्रालय के ध्यान में यह लाया गया है कि बहुत से सेवा निवृत्त  
अधिकारियों और कर्मचारियों को संदर्भित पेनल की शर्तों और उनके द्वारा रेल क्वार्टर  
अनधिकृत कब्जे के पूर्ण फलितार्थ की जानकारी नहीं थी। अतः रेल मंत्रालय चाहता है  
कि उपर्युक्त 24.4.82 और 4.6.83 के पत्रों की विषयवस्तु उनके प्रशासनिक नियंत्रण में  
आने वाले सभी सम्बन्धित कर्मचारियों जिनमें वे कर्मचारी भी शामिल है, जो ब्रुटी पर  
है, के ध्यान में लाने के लिए रेल प्रशासनों द्वारा आवश्यक प्रयास किये जाये और प्रत्येक  
सेवा निवृत्त अधिकारी एवं कर्मचारी को उनके द्वारा रेलवे आवास के अनधिकृत कब्जे के  
परिणामों तथा उनके रेलवे गजट आदि में इस विषय पर नियमों/बोर्ड के वर्तमान अनुदेश  
प्रकाशित करके जागृत होने वाले गुर्गामी से अवगत कराया जाये। इस सम्बन्ध में की  
गयी कार्रवाई का निष्कर्ष कृपया इस पत्र के तारीख के एक महीने के भीतर इस  
मंत्रालय को भेज दिया जाये।

Ajesh

2017 Oct 11

जारी-2/-

-2-

4- इस मंत्रालय के 3.7.1965 के पत्र सं0ई(जी)83आर.एन.2/6 के पैरा 2 की ओर भी ध्यान ~~दिखा~~ दिलाया जाता है जिसमें इस बात पर बल दिया गया है कि अनुमेय अवधि के पूरा हो जाने के बाद सेवा निवृत्त रेल कर्मचारियों तथा मृत कर्मचारियों के परिवार के सदस्यों/कानूनी उत्तराधिकारियों से रेलवे क्वार्टर खाली कराने के लिए बेदखली कार्यवाहियों पर इस प्रशासन द्वारा शीघ्र कार्रवाई की जाये जिससे कि रेलवे क्वार्टरों से उनके बेदखल होने तथा बकाया देयों के अंतिम निपटान के मामले में कोई अपरिहार्य देरी न हो। यह सुनिश्चित करने के लिए कि सेवा निवृत्त रेल कर्मचारियों को अनुमेय अवधि व्यतीत हो जाने के बाद रेलवे क्वार्टर से शीघ्र बेदखल कर दिया जाता है, रेल प्रशासन द्वारा यथा समय सभी आवश्यक कदम उठाये जायें।

5- इस सम्बन्ध में बोर्ड के 16.10.87 के पत्र सं0ई(जी)87 क्या.आर.1-11 की ओर भी ध्यान दिलाया जाता है जिसमें, अन्य बातों के साथ साथ श्री निरंज बिहारी भट्टाचार्य तथा अन्य तथा श्री सुभाष चन्द्र दत्त एवं अन्य बनाम भारत राई तथा अन्य (जी.सी.208/86 एवं 227/86.) में केन्द्रीय प्रशासनिक अधिकरण गुवाहाटी पीठ के निर्णय और आदेश में की गयी कार्रवाई सूचना एवं मार्गदर्शन हेतु रेल प्रशासनों को पहली ही भेजी जा चुकी है।

6- कृपया इस पत्र की पावली भेजें।

ह0/- एच0एल0बर्जीज  
डेस्क अधिकारी / स्थापना  
रेलवे बोर्ड

संख्या-प्रशा/63/1037/83/

/गोरखपुर/दिनांक

5-88

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित : —

- 1- वरिष्ठसुलेखि/वरिष्ठ, पुरी गोरखपुर
- 2- प्रमोधि/मोधि/लखनऊ, समस्तीपुर, इज्जतनगर, सीनपुर, वाराणसी।
- 3- कालेधि/गोरखपुर कैंट, गोरखपुर, इज्जतनगर, समस्तीपुर, मौकामाफट।
- 4- सलेधि/डी0एस0ए0/गोरखपुर, इज्जतनगर, समस्तीपुर।
- 5- समस्त अनुभागीय अधिकारी (मुख्यालय) गोरखपुर
- 6- सलेधि/कोचिंग, इज्जतनगर
- 7- मंत्री, लेखा शाखा, नरम/पी0आर0के0एस0

कृते विसुलेधि/प्रशासन

रमेश  
280588

Attested

By Mr. Exalted

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Filed today  
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28/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH), LUCKNOW.

O.A. No. 70 of 1989 (L)

Akhilesh Kumar Sharma & others ... Applicants  
Versus  
Union of India & others ... Respondents.

I N D E X

| S.No. | Description of papers                                                                                     | Page No. |
|-------|-----------------------------------------------------------------------------------------------------------|----------|
| 1.    | Rejoinder Reply                                                                                           | 1 - 18   |
| 2.    | <u>Enclosure No. R-1</u><br>Letter dated 10.6.87 issued by<br>respondent No. 3 to Sr. D.M.E.(D)<br>Gonda. | 19       |
| 3.    | <u>Enclosure No. R-2</u><br>Reply dated 26.6.87 submitted by<br>Sr. D.M.E.(D) Gonda.                      | 20       |
| 4.    | <u>Enclosure No. R-3</u><br>Letter dated 1.1.88 issued by<br>respondent No. 3 to Sr. D.M.E.(D)<br>Gonda.  | 21       |
| 5.    | <u>Enclosure No. R-4</u><br>Reply dated 31.1.88/1.2.88 submitted<br>by Sr. D.M.E. (D) Gonda.              | 22       |

Lucknow:Dated,  
May 18 , 1989.

R. N. Sharma

Applicant

*[Signature]*  
18.5.89

*[Stamps]*

(Aru)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH), LUCKNOW.

O.A. No. 70 of 1989 (L)

Akhilesh Kumar Sharma                      ...                      Applicants  
and another

Versus.

Union of India & others                      ...                      Respondents.

REJOINDER REPLY

I, R.N. Sharma, aged about 60 years S/O  
Pt. Jugul Kishore Sharma, Railway Quarter E-295/B,  
New Engineering Railway Colony, Gonda do hereby  
state as under :-

1. That the ~~an~~ applicant is applicant No. 2 in  
the above noted case and he has been authorised by  
applicant No. 1 also to submit rejoinder reply in  
the above noted case.

2. That with regard to preliminary objection  
raised by the respondents in para 2 (A) of their  
counter reply, it is respectfully submitted that  
the main relief claimed by the applicant No. 1 is  
regarding allotment/regularisation of Railway quarter  
No. E/295/B New Engineering Railway Colony, Gonda  
in his favour in view of Railway Boards circular  
letter dated 19.12.1981 contained in enclosure No.  
A-13 and further prayer for release of D.C.R.G.  
in favour of applicant No. 2 is consequential.

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.. 2 ..

The objection is highly technical wholly unsustainable under the circumstances of the case. Even otherwise also under Rule 4(5) (a) of the Rules the Tribunal may permit more than one person to join together and file a single application if it is satisfied having regard to the case of action and the nature of relief prayed for, that they have a common interest in the matter. The present case after admission will be (deemed to have been covered under Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.)

Regarding other objection contained in Para 2(B) of the counter reply it is respectfully submitted that the objections is vague, unsepecific and misconceived. The applicant have challenged the order contained in enclosure No. A-1 alledged to have been passed by Dy. C.A.O. (T) and the order contained in enclosure No. A-2 which has been finally passed by the General Manager deciding the representation of the applicant No. 2 prefined against the order contained in enclosure No. A-1. Since the order contained in enclosure No. A-1 will be deemed to have been merged in the final order passed by respondent No. 2 contained in enclosure No. A-2, the impleadment of Dy. C.A.O. (T) is not necessary when General Manager has already been impleaded as respondent No. 2 who has passed the final order.

R.N. Sharma

3. That with reference to the contents of para 3 of the counter reply it is submitted that

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the order passed by Dy. C.A.O. (T) and the General Manager regarding allotment/regularisation of quarter in question and with holding of D.C.R.G. are contained in enclosure No. A-1 and A-2 which are communication letters dated 28.7.1988 and 24.1.1989 issued from the office of F.A. & C.A.O., N.E. Railway, Gorakhpur. Actual orders passed by the above authorities have not been made available to the applicants.

4. That with regard to the facts stated by the respondents in Para 5(1) of the counter reply only this much is disputed and denied that the applicant No. 2 was liable to vacate the Railway quarter w.e. from 28.2.1987. Since the application of applicant No. 2 dated 29.1.1987 submitted to respondent No. 3 stating the facts that applicant No. 1, his son was residing in the said quarter with him and that the applicant No. 1 and 2 do not own or possess any other house at the place of their posting as such the quarter in question may be allotted in the name of applicant No. 1, was pending disposal with respondent No. 3 and the application dated 12.9.1986 contained in enclosure No. A-3 for sharing accommodation with applicant No. 2 moved by applicant No. 1 before Sr. D.M.E.(D) Gonda was also under consideration, as such pending disposal of aforesaid applications, it can not be said that the applicant No. 2 was liable to vacate the Railway quarter. A true copy application dated 29.1.1987 submitted by applicant No. 2 to respondent No. 3 regarding allotment of Railway quarter in the

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name of applicant No. 1 already forms part as enclosure No. A-5 to the application. The respondents have concealed the facts of application dated 29.1.1987

5. That with respect of the contents of para 5 (ii) of the counter reply it is respectfully submitted that it is totally wrong and denied that the applicant No. 2 for the first time submitted application dated 27.3.1987 to respondent No. 3 after a month from the date of his retirement alongwith copy of order dated 4.2.1987 issued from the office of Sr. D.M.E. (D) allowing applicant No. 1 to share 50% accommodation of the said Railway quarter with a request to allot the next 50% accommodation in favour of applicant No. 1 since he has been retired from service w.e. from 28.2.1987. As a matter of fact the earlier application of applicant No. 2 dated 23.3.1987 received to respondent No. 3 on 27.3.1987 contained in enclosure No. A-5 was already pending disposal with him while Sr. D.M.E. (D) passed order dated 4.2.1987 allowing applicant No. 1 to share 50% accommodation in the said Railway Quarter with reference to his application dated 12.9.1986 contained in enclosure No. A-3. If the applications dated 12.9.1986, 29.1.1987 submitted by applicants No. 1 and 2 respectively contained in enclosure No. A-3 and A-5 may be perused, it becomes abundantly clear that there was no suppression of any fact and they have requested the concerned authorities for allotment /regularisation of Railway quarter before the date of retirement of applicant No. 2. Since the applicant No. 1 was regularly appointed on 2.8.1986 as

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Disel Fitter Grade III in scale of Rs. 950-1500 under Sr. D.M.E. (D) as stated in para 4 (iv) of the application, he became eligible for sharing 50% accommodation with applicant No. 2 as such moved application dated 12.9.1986 contained in enclosure No. A-3 on which Sr. D.M.E. (D) rightly passed order dated 4.2.1987 contained in enclosure No. A-4. The order dated 4.2.1987 was given effect to w.e.f. 2.8.1986 on which date applicant No. 1 was regularly appointed and became eligible to share 50% accommodation in view of Railway Board's circular letter dated 19.12.81 contained in enclosure No. A-13. Since application dated 29.1.1987 contained in enclosure No. A-5 was still undisposed off and in the mean time order dated 4.2.1987 was passed in favour of applicant No. 1 it was necessary for applicant No. 2 to bring the said fact to the notice of respondent No. 3 as such he moved application dated 27.3.1987 alongwith order dated 4.2.1987 before respondent No. 3 and there was nothing wrong with it.

6. That with regard to the contents of para 5(ii) (a) of the counter reply it is stated that all the quarters belong to North Eastern Railway and the alleged pool system has to do nothing with present case. In any case pool system can be applied in normal cases of allotments but not in the cases of ~~ap~~ allotment/regularisation on out of turn basis covered by the provision of Railway Board's circular dated 19.12.1981 contained in enclosure No. A-13.

7. That the contents of para 5(ii) (b) of the

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the counter reply are not correct as stated and are denied and in reply it is stated that the respondent No. 3 vide letter dated 10.6.1987 asked the Sr. D.M.E. (D) N.E. Railway, Gonda to inform him the provision under which quarter No. E/295/B was allotted to applicant No. 1 to share 50% accommodation when the said quarter belongs to cash and Pay pool controlled by the respondent No. 3. The Sr. D.M.E.(D) N.E. Railway, Gonda vide his letter dated 26.6.1987 informed the respondent No. 3 that the applicant No. 1 has been rightly allotted quarter No. E/295/B to share accommodation with applicant No. 2 as his case is covered by the provision of Railway Board's circular dated 14.2.1978. He further explained that the diesel fitter also comes in the staff of essential category and the sharing of accommodation was permitted on account of applicant No. 1 being living with applicant No. 2 who is his father. The Sr. D.M.E. (D) Gonda also intimated that in Railway Board's circular there is no provision for giving any quarter in exchange while making order for sharing of accommodation. A true copy of letter dated 10.6.1987 issued by Sr. D.M.E. (D), Gonda are filed herewith as enclosure No. R-1 and R-2 to this a rejoinder reply. That the contents of para 5(ii) (c) of the counter reply are wrong and denied and it is submitted that no illegality was committed by the Sr. D.M.E. (D), Gonda while passing order dated 4.2.1987 contained in enclosure No. A-4 in favour of applicant No. 1. His direction for recovery of house rent allowance w.e.f. 2.8.86 and 50% amount of rent for sharing 50% accommodation

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under allotment order dated 4.2.1987 are also just and proper. The order of Dy. C.A.O. (T) and the General Manager contained in enclosure No. A-1 and A-2 are illegal and arbitrary and suffer from non application of mind. The applicant No. 1 is legally entitled for regularisation of Railway quarter No. E/295/B in his name in view of Railway Board's circular dated 19.12.1987 contained in enclosure No. A-13 and consequently the applicant No. 2 is also entitled for payment of his D.C.R.G. alongwith interest at the rate of Rs. 12% per annum ~~at~~ far with holding his D.C.R.G. illegally.

8. That regarding the contents of para (i) the posetion has already been explained in para 3 above and no further reply is needed.

9. That the contents of para (iii) of the cojnter reply are denied and the contents of para 4 (iii) of the application are reaffirmed as correct. It is further submitted that the Railway Board's letter dated 27.2.1971 and 11.2.1982 filed by the respondents annexure No. R-1 and R-2 are not applicable in the present case in as much as the applicants here in the pr@sent case have not suppressed any facts regarding sharing of accommoda-  
tion. The applicant No. 1 after being regularly appointed as Diesel Fitter CR III w.e.f. 2.8.1986 moved application dated 12.9.1986 to Sr. D.M.E. (D), Gonda for permitting him to share accommodation with applicant No. 2 i.e. his father and similarly the applicant No. 2 also moved application dated 29.1.1987 to respondent No. 3 before the date of his

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retirement. The applicant No. 1 continued to draw house rent allowance simply because orders of ~~xxx~~ allotment of sharing accommodation could be passed on his application dated 12.9.1986 by the Sr. D.M.E. (D), Gonda on 4.2.1987 and not on account of suppressing the fact regarding sharing of accommodation. The fact of sharing of accommodation was also brought to the notice of respondent No. 3 by applicant No. 2 vide his application dated 29.1.1987 before his retirement.

10. That with reference to the contents of para (iv) of the counter reply it is stated that the fact of regular appointment of applicant No. 1 w.e.f. 2.8.1986 is relevant for the purpose of deducting house rent allowance from him w.e.f. 2.8.1986 under allotment order dated 4.2.1987. Before 2.8.1986 the applicant No. 1 was a trainee and was getting only trainee's allowance and was not a regular employee eligible for allotment order.

11. That the contents of para (v) of the counter reply needs no comments except that the same are ~~g~~ vague and misconceived. It is not understood as to what illegal act applicant No. 1 committed in moving application dated 12.9.1986.

12. That the contents of para (vi) of the counter reply are wrong and baseless and are denied and in reply while reiterating the contents of para 4 (vi) of the application it is respectfully

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submitted that the pool system will be applicable in the normal cases of allotments and not in the cases of out of turn allotments. The Railway Board's circular provides for benefit of allotment/regularisation of Railway quarters out of turn to the specified relations of the retiring Railway servants or the Railway servants due in service. The condition of sharing accommodation with the retiring/deceased Railway servant for allotment/regularisation of the quarter is to be construed liberally taking into consideration. That there can be cases where after acquiring eligibility the period of 6 months may not be completed and the retirement or death of Railway servant can happen and if this condition is to be construed strictly it will frustrate the very purpose of the circular issued by the Railway Board. The benefit of Railway Board's circular would be liable to be extended in all those cases where the specified relation of the retiring/deceased Railway servant is otherwise eligible for allotment/regularisation of Railway quarter being in Railway service at the relevant time and does not own or possess other house. at the place of his posting irrespective of period of sharing accommodation with the retiring/deceased Railway servant.

13. That the contents of para (vii) of the counter reply are denied and those of para 4(vii) of the application are reaffirmed as correct. It is wrong to say that the application of applicant No. 2 was without any date. The application was submitted on 29.1.1987 and was duly received in the office of

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respondent No. 3. The Railway Board's circulars dated 27.2.1971 and 19.12.1981 (R-1 and R-2) filed by the respondents are not applicable in the present case. The applicants have not suppressed any facts in the present case.

14. That with reference to the contents of para (viii) of the counter reply it is submitted that earlier also the applicant moved application dated 29.1.1987 contained in enclosure No. A-5 before the respondent No. 3 but when nothing was done on that application he moved application dated 23.3.1987 which was received in the office of respondent No. 3 on 27.3.1987 and the allotment order dated 4.2.1987 passed by Sr. D.M.E. (D), Gonda was also annexed alongwith that application. The applicant No. 2 also submitted reminders dated 20.7.1987 and 2.11.1987. Regarding letter dated 10.6.1987 issued by respondent No. 3 to Sr. D.M.E. (D) Gonda, it is wrong to say that he did not give any reply. The applicant has already filed a true copy of letter dated 10.6.1987 and its reply dated 26.6.1987 as enclosure No. R-1 and R-2 to this rejoinder reply. It is further wrong to say that the Sr. D.M.E. (D) Gonda did not reply the letter respondent No. 3 dated 28.12.1987. The applicant is filing herewith the true copy of letter dated 28.12.1987/1.1.1988 issued by respondent No. 3 to Sr. D.M.E. (D) Gonda and its reply dated 31.1.1988/1.2.1988 as enclosure No. R-3 and R-4 respectively to this rejoinder reply. The respondents have concealed the facts regarding

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submission of replies by the Sr. D.M.E. (D) Gonda to respondent No. 3 with a view to misrepresent this Tribunal about the real situation. The letter of the Railway Board dated 11.2.1982 and 24.4.1982 filed by the respondents alongwith their counter reply (R-3) are not applicable in the present case. The respondents there selves acted illegally in not regularising the quarter in the name of applicant No. 1 and further in with holding the D.C.R.G. of applicant No. 2. The contrary contention of the respondents is false and denied.

15. That with regard to the contents of para (ix) of the counter reply it is respectfully submitted that the contents of para 4 (ix) of the application are correct. The copies of ~~the~~ applications dated 22.7.1987 and reminder dated 10.8.1988 contained in annexure No. A-9 and A-10 were submitted to Sr. D.M.E. (D) Gonda by the applicant No. 1 and it was requested that the full quarter in question may be allotted/regularise in his name and rent w.e.f. 1.3.1987 may be deducted from his salary and respondent No. 3 may be informed accordengly. The applicant No. 1 made similar ~~request~~ request vide annexure No. A-10 to the application.

16. That the contents of para (x) of the counter reply do not call for any explanation because the same order has been referred to by the respondents in para under reply which has been filed by the applicants as enclosure No. A-1 to the application.

17. That with reference to the contents of

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para (xi) and (xii) of the counter reply it is submitted that the respondent No. 2 did not apply his mind while deciding the representation of the applicant dated 17.8.1988 contained in enclosure No. A-11 and passed the impugned order contained in enclosure No. A-2 to the application totally ignoring to take into account the Railway Board's circular dated 4.11.1978 according to which the quarter in question was liable to be regularised in favour of applicant No. 1 ~~and~~ out of turn basis as he was fully illegible for the same. The respondent No. 2 further ~~failed~~ <sup>failed</sup> to take into account that the decision of Dy. C.A.O. (T) contained in enclosure No. A-1 was totally an arbitrary decision and was not justified under the circumstances of the case. The applicant No. 1 and 2 well in time applied for allotment/regularisation of the quarter without suppressing any fact and the quarter ~~is~~ in question was liable to be allotted/regularised in the name of applicant No. 1 in view of Railway Board's orders issued on the subject. The Dy. C.A.O. (T) and the General Manager wrongly dealt with the case of the applicants as if it was a case of normal allotment <sup>where</sup> ~~there~~ pool system is made applicable. It is also important to state that from the impugned orders contained in enclosure No. A-1 and A-2 it is not clear as to what manipulations or illegalities were committed by the applicants in getting the Railway quarter allotted/regularised. So far as the question of reply by the Sr. D.M.E. (D) Gonda in response to letter dated 20/29.9.1988 which is said to be still awaited is concerned it is pointed out that he had

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already explained his position vide letter dated 26.6.1987 contained in enclosure No. R-2 and R-4 respectively to this rejoinder reply. According to him he was fully competent to allot the quarter in favour of applicant No. 1 in view of Railway Board's circular letters issued from time to time.

18. That the contents of para (xiii) of the counter reply are wrong and denied and in reply the contents of para 4 (xiii) of the application are reaffirmed as correct. The applicant No. 1 is fully eligible for allotment/regularisation of the quarter in his name in view of Railway Board's order contained in enclosure No. A-13 to the application. The other circular letters referred to by the respondents and filed by them alongwith their counter reply are not applicable in the present case as applicants have already moved applications before the date of retirement for allotment/regularisation of Rly. quarter in favour of applicant No. 1 and they have not suppressed any facts in any manner whatsoever. The respondents have vaguely levelled allegations of manipulation against the applicants but have not been able to point out any specific act of manipulations. The order dated 4.2.1987 passed by Sr. D.M.E. (D) Gonda contained in enclosure No. A-4 is absolutely legal and valid order and all allegations against it pointed out by the respondents are wholly baseless and unsustainable in law. It is further pointed out that the pool system on which respondents have laid much stress is not applicable with reference to allotment/regularisation of Railway quarter in pursuance to Railway Board's

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circular contained in enclosure No. A-13 which provides for allotment/regularisation on out of turn basis. to the specified relations of the retiring/deceased Railway servant.

19. That the contents of para (xiv) of the counter reply are false and denied and in reply it is stated that the applicant No. 2 after passing of order dated 4.2.1987 in favour of applicant No. 1 informed the respondent No. 3 vide his application dated 27.3.1987 enclosing the copy of order dated 4.2.1987. The applicant No. 2 in his application dated 29.1.1987 duly received in the office of respondent No. 3 clearly stated that applicant No. 1 has been residing with him since March, 1985 and applicant No. 1 and No. 2 do not own or possess any other house at Gonda as such it is wrong to alleged that the respondent No. 3 does not know whether applicants possess any other house at Gonda or not.

20. That the contents of para (xv) of the counter reply are enaphetically denied and while reiterating the contents of para 4 (xv) of the application it is respectfully submitted that the applicant No. 1 was/is fully illegible for allotment/regularisation of Railway quarter No. E/295/B New Engineering colony Gonda of which 50% accommodation he was already sharing under allotment order dated 4.2.1987 passed by Sr. D.M.E. (D) Gonda who is was his controlling and competent authority to allot/regularise the said quarter in his name on out of turn basis in view of

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Railway Board's circular contained in enclosure No. A-13. Since the applicant No. 1 was regularly appointed diesel as/fitter in scale Rs. 950-1500 w.e.f. 2.8.1986 the order for sharing 50% accommodation could have been passed only from the date 2.8.1986 and not prior to that date because he was not eligible for allotment being only a trainee before that date. (The condition of sharing accommodation with the retiring or deceased Railway servant is to be construed liberally so as to give effect to the Railway Board's circular and not strictly keeping in view the aim and real spirit of the said circular. If the condition of sharing accommodation with the retiring/deceased Railway servant is taken to be mandatory, there will be cases in which the specified relation might have not completed six months period of sharing accommodation with the retiring/deceased Railway servant and retirement/death would have taken place with the result the quarter in question cannot be allotted/regularised in his name and in that event the whole purpose of the circular will stand frustrated.) Thus the applicant No. 1 is fully eligible and entitled for allotment/regularisation of the quarter in question ~~in~~ in his name. The other circular of the Railway Board referred to by the respondents are not applicable in the present case as the applicable in the present case as the applicants have not suppressed any facts or material or drawn house rent allowance by misrepresentation.

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21. That the contents of para (xvi) of the counter reply are denied and those of para 4(xvi) of the application are reaffirmed as correct. The order dated 4.2.1987 passed by Sr. D.M.E. (D) Gonda is

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absolutely legal and valid and there is no infirmity about it. The case of the applicants for allotment would not be governed by the general rules but it would be goverried on out of turn basis.

22. That the contents of para (xvii) (a) (b) (c) (d) are wrong and denied and in reply the contents of para 4 (xvii) of the application are reaffirmed as correct. The applicants have already explained the points raised by the respondents in para under reply. Both the applicants moved applications dated 12.9.1986 and 29.1.1987 much before the date of retirement i.e. 28.2.1987. The applicant No. 1 applied for sharing accommodation on 12.9.1986 and it is but natural that he would continue to draw house rent allowance till orders for sharing accommodation would not be passed, but he would not be guilty of suppression of any fact or material rendering him incapable of claiming benefit of regularisation of Railway quarter in terms of Railway Board's circular letter contained in Annexure No. A-13.

23. That with regard to the contents of para (xviii) of the counter reply it is stated that the amount of D.C.R.G. also becomes due and payable to a retiring Railway servant as soon as he is retired from service and the same can not be with held after his retirement. The Railway authorities have no right to with held the amount of D.C.R.G. if a Railway servant after his retirement does not vacate the Railway quarter pending disposal the case of regularisation of that quarter, in name of his son in view of Railway Board's circular letter issued for the purpose. In case the authorities want eviction of the retired Railway servant they have the remedy to proceed against him under the

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provisions of Public Premises (eviction of unauthorised occupants) Act 1971 and the rules made there under. If his occupation is determined to be unauthorised. The act of respondents in withholding the D.C.R.G. amount is wholly arbitrary and against the principle of natural justice and the amount in question is liable to be released and the respondents are under legal obligation to pay market rate interest to the applicant for the period in which D.C.R.G. amount remained withheld. The circular letters referred to by the respondents issued by the Railway Board are not applicable in the present case.

24. That the contents of para (xix) of the counter reply are wrong and denied and it is stated that the orders of respondent No. 2 are factually wrong and legally untenable.

25. That the contents of para (xx) of the counter reply are denied and while reiterating the contents of para 4 (xx) of the application it is respectfully submitted that the circular letters referred to by the respondents in para under reply are not applicable in the present case.

26. That the contents of para (xxi) of the counter reply are denied and it is stated that he is ready to give undertaken that in case the quarter in question is not regularised in favour of his son in view of Railway Board's orders issued on the subject after decision by this Tribunal he would vacate the quarter and pay legal rent admissible in law to the Railway after the date of his retire-

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ment till the quarter is vacated by him and on this undertaking his D.C.R.G. amount is liable to be released to him.

27. That the contents of para 6 of the counter reply are denied and those of para 5 of the application are reaffirmed as correct and tenable in law.

28. That the contents of para 8 and 9 of the counter reply are denied and it is stated that the applicants are entitled to be granted the relief prayed for by them in para 8 of the application.

29. That apart from the above the applicants are giving the particulars of two cases of allotment/regularisation of Railway quarters in favour of specified relations of the retiring Railway servants under the provisions of Railway Board's circular contained in enclosure No. A-13 on out of turn basis although in these cases the specified relations had no order of sharing accommodation with the retiring Railway servants even for a day. The first case is of Mr. G.P. Nigam who was employed as Divisional Cashier under respondent No. 3 and retired from service w.e.f. 31.8.1985. He was in occupation of Railway quarter No. 557-D, Railway colony Bichhiya, Gorakhpur. His daughter Km. Manja Nigam was appointed as staff Nurse in Railway Central Hospital, Gorakhpur on 2.9.1985 after the retirement of her father.

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She applied for allotment/regularisation of the aforesaid quarter on out of turn basis in view of Railway Board's circular contained in Annexure No. A-13 and the same was regularised in her name. In this case the condition of sharing accommodation with the retiring Railway servant i.e. here father for 6 months was not construed strictly and the quarter in question was regularised in her name. The second case is of Mr. Madan Pal who was also employed as Remittance Cashier under respondent No. 3 and was allotted Railway quarter No. 557 (L) Railway Colony Bichhiya, Gorakhpur. His retirement from service was due in September, 1981. His son Subhash Kaul got appointment in N.E. Railway Press at Gorakhpur on 19.11.1979 as Litho Artist. Before the date of retirement Mr. Madan Pal applied to respondent No. 3 for orders for sharing accommodation and ultimately Mr. Madan Pal retired from service in September, 1981. His D.C.R.G. was withheld for not vacating the Railway quarter, subsequently Subhash Kaul being eligible for regularisation of Railway quarter in terms of Railway Board's order contained in Enclosure No. A-13 applied to the press authorities and the said Railway quarter was regularised by the press authorities in his name in September, 1983. Consequently the D.C.R.G. of Mr. Madan Pal was

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also released. Thus, from the above it is clear that the quarter in question can be regularised in the name of applicant No. 1 and the condition of sharing accommodation for 6 months is not mandatory and has to be viewed liberally.

Lucknow:Dated,  
May 18, 1989 .

R.N. Sharma  
Applicant No. 2

#### V E R I F I C A T I O N

I, the above named applicant No. 2 on his own behalf and on behalf of applicant No. 1 verify that the contents of para 1 to 29 except bracketed portions of para 2 and 20 are true to my own knowledge and those of bracked portions of para 2 and 20 are believed by me to be true on the basis of legal advice.

Lucknow:Dated,  
May 18, 1989 .

R.N. Sharma  
Applicant No. 2

सम्राट केन्द्रीय प्रशासनिक अधिकरण : लखनऊ येन्च: लखनऊ ।

ओएसओ नं० 70 आफ 1989 । एल।

अश्लेष कुमार शर्मा तथा अन्य

वनाम

वादी

ग्रुनयन आफ ह्रीडया तथा अन्य

प्रतिवादी गण

संलग्नक नं० आर-1

पूर्वोत्तर रेलवे

नं० सी पी/76/20/1/200

वि०स०एस० नं० लेखाधिकारी  
पूर्वोत्तर रेलवे, गोरखपुर ।

दिनांक 10-6-1987

प्रवर संडल यान्त्रिक अभियन्ता।डीजल।  
पूर्वोत्तर रेलवे, गोण्डा ।

विषय:-

श्री रामनिवास शर्मा भूतपूर्व प्रधान खजान्ची गोण्डा  
के रेल आवास नं० ई/295/वी।टाइप-111 का भागी-  
दारी आर्बिटन के सम्बन्ध में ।

संदर्भ :-

आपका कार्यालय आदेश पत्र नं० पा/डीजल/आवास/86-  
87 दिनांक 4-2-1987 ।

श्री रामनिवास शर्मा भूतपूर्व प्रधान खजान्ची गोण्डा ने अपने  
प्रार्थनापत्र दिनांक 27-3-1987 के साथ, आपके संदीर्भित कार्यालय आदेश  
पत्र की एक प्रतिलिपि प्रेषित करते हुये यह आग्रह किया है कि उनके पेट  
उक्त आवास उनके पुत्र श्री अश्लेष कुमार शर्मा जो आपके पदभाग में  
डीजल फिटर ग्रेड-111 में है पूर्ण रूप से आवंटित किया जाय । इस विषय  
पर आपको यह सूचित किया जाता है कि संडलों एवं उप संडल स्थिति  
खजान्चीयों जो अनिवार्य प्रेणी के अन्तर्गत आते हैं उनके आवास मुख्यालय  
गोरखपुर से आवंटित होते हैं क्योंकि ये सभी आवास मुख्य कोषाधिकारी  
गोरखपुर द्वारा नियन्त्रित होते हैं । अतः आपके द्वारा उक्त आवास  
का भागीदारी आर्बिटन जिस अधिकार के अन्तर्गत किया गया है, कृपया  
अवगत कराहें जिससे इस विषय पर पुनः विचार किया जा सके ।

इस सम्बन्ध में यह भी स्पष्ट है किया जाता है कि मुख्य कोषा-  
धिकारी के नियन्त्रण के आवास के बदले आवश्यक उपलब्ध कराने की स्थिति  
में ही दूसरे विभाग को आवास आवंटित किये जाते हैं ।

अतः आप कृपया यह भी सूचित करें कि क्या उल्लिखित आवास के  
बदले अन्य आवास गोण्डा के खजान्चीयों को आवंटित करने के लिये आपके  
पास उपलब्ध हैं ?

कृपया इस पत्र का पावती स्वीकार करें ।

ह/० रामलाल 10/6  
मुख्य कोषाधिकारी ।

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ATTESTED

*[Signature]*  
Advocate

R. N. Sharma

AS

अधिलेख पुमार वामर्ष तथा अन्य

**Give Your Man**

**बाढी**

**वनाय**

प्रीनयन आप हिडिया तथा अन्य

2009-2010-2011

प्रतिवादीगण

संलग्नक सं० आर-३

पूवोत्तर रेखा

१० या/हीजल/आवास/गोण्डा/  
गोण्डा/८६

ॐ नमो भगवते वासुदेवाय

मुख्य कोषाधीकारी,  
ग्रामीण उत्तर, रेलवे/गोरखपुर

कार्यालय  
मुम्बई २६-६-८७

**विषयः-**

श्री रामनिवास गार्ग्य भूतपूर्व प्रधान कानूनी/गोण्डा  
के रेल आवास में 0 ई-295/वी/टाइप-11 का भागीदार  
आइटम के सम्बन्ध में ।

**संदर्भः -**

आपका पत्र सं० सी०सी/७६/२०/१/२०० दिनांक  
१०-६-८७

उपरोक्त संदर्भ में यह सूचित किया जाता है कि इस कार्यालय के कार्यालय आदेश सं०/या/डीजल/आवास/86-87 दिनांक 4-2-87 द्वारा श्री रामनिवास शर्मा प्रधान खजान्ची का रेल आवास सं० ई/296/पी टाइप-11 का भागीदारी आगंतन उनके ही पुत्र श्री अक्षय कुमार शर्मा पिटर ग्रेड-111 को किया गया है। यह रेल पीर-पेट के पीरपत्र सं० ई/575/2/भाग-5 चार दिनांक 14-2-78 के आधार पर किया गया था। डीजल पिटर ग्रेड-111 भी अनिवार प्रेमी के अन्तर्गत आते हैं। भागीदारी का आगंतन पिता के साथ पुत्र के साथ रहने के कारण किया गया था।

उपरोक्त बोर्ड के परिपत्र में आवंटित आवास के बदले आवास देने का कोई प्रावधान नहीं है ।

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E/O

कृते प्रवर यात्रीन्त्रु अभियन्ता । डीजल ।

*[Handwritten signature]*  
[Illegible stamp]

496

समय मासनीय केन्द्रीय प्रशासनिक अधिकरण : लखनऊ बेंच : लखनऊ  
ओऍर० सं० 70 आफ 1989 । एल।

अखिलेश कुमार शर्मा तथा अन्य --- वादी

बनाम

प्रीनयन आफ हॉडया तथा अन्य --- प्रतिवादीगण

संलग्नक सं० आर-3  
=====

पूर्वोत्तर रेलवे

पत्र सं० सी०पी०/76/20X1/1  
सेवा में,

अधीक्षक एसुं भुगतान कार्यालय  
गोरखपुर दिनांक 28-12-87  
1-1-88

प्रवर यान्त्रिक अभियन्ता।डीजल।  
पूर्वोत्तर रेलवे गोण्डा

विषय

श्री रामनिवास शर्मा भूतपूर्व प्रधान खान्ची/गोण्डा के  
रेल आवास सं० ई/295/वी।टाइप-1।। का भागीदारी  
आवंटन के सम्बन्ध में।

संदर्भ :-


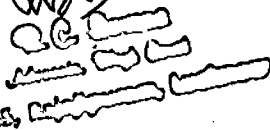
आपका पत्र सं० या/डीजल/आवास/गोण्डा/गोण्डा/86  
दिनांक 26-6-87

आपके संदर्भित पत्र के संदर्भ में उप लेखाधिकारी।यातायात  
का निर्णय निम्नीलिखत रूप से उद्धृत किया जाता है।

प्रवर यान्त्रिक अभियन्ता।डीजल। गोण्डा को उनके  
द्वारा पूर्व उल्लिखित आवंटित क्षेप आवास के बदले अन्य आवास गोण्डा  
स्थित खान्ची के लिये देना चाहिये। यदि इस समय आवास उपलब्ध न  
हो तो भविष्य में उल्लिखित आवास के बदले एक आवास देने का वचन  
लिखित रूप से देना होगा यदि वह इस तथ्य को मान्यता नहीं देते हैं तो  
उनके द्वारा आवंटन का कार्यालय आदेश सं० या/डीजल/आवास/गोण्डा/  
गोण्डा-86-87 दिनांक 4-2-87 को निरस्त कर दिया जायेगा और  
श्री रामनिवास शर्मा भूतपूर्व प्रधान खान्ची को रेल आवास सं० ई/295/  
वी।टाइप-1।। को रिक्त करना होगा ताकि उनको सेवानिवृत्त के  
पर बात देय धरारांश का स्वीकृत भुगतान शीघ्रताशीघ्र किया जा सके।  
कृपया अवगत हो तबला इस सम्बन्ध में स्वीकृत कार्यवाही  
अद्योदस्ताधरी को सूचित करने का कष्ट करें।

R.N. Sharma

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ATTESTED

ह/० राम लाल,  
1-1-88  
मुख्य लेखाधिकारी।

समक्ष माननीय केन्द्रीय प्रशासनिक अधिकरण : लखनऊ पेंच : लखनऊ ।

ओएसओ नं० 70 आफ 1989 । एल।

अधिकारी कुमार शर्मा तथा  
अन्य

---

वादी

बनाम

यूनियन आफ इंडिया तथा अन्य

---

प्रतिवादीगण

संलग्नक नं० आर-4

=====

पूर्वोत्तर रेलवे

नं० या/डीजल/आवास/358/भाग-1।

कार्यालय

प्र० नं० या० अ० डीजल। गोण्डा  
दिनांक 31-1-88/1-2-88

मुख्य कोषाधिकारी,  
पूर्वोत्तर रेलवे, गोरखपुर ।

विषय:-

श्री रामनिवास शर्मा भूतपूर्व प्रधान खान्ची/गोण्डा के रेलवे  
आवास नं० ई/295/पी/टीडिप-1। का भागीदारी आवंटन  
के सम्बन्ध में ।

संदर्भ :-

आपका पत्र नं० सी०पी०/76/20/1/1 दिनांक 1-1-88

आपका पत्र नं० सी०पी०/76/20/2/200 दिनांक 10-6-87 के

संदर्भ में इस कार्यालय के पत्र नं० या/डीजल/आवास/258/86 दिनांक 26-6-87  
द्वारा यह स्पष्ट कर दिया गया था कि रेल परीषद के पत्र नं० ई/575/2/  
भाग-5 1। 1 दिनांक 14-2-78 आधार पर भागीदारी का आवंटन पिता के  
साथ पुत्र के रहने के कारण किया गया था । दूसरे विभाग के तुलना में डीजल  
शेड के आवास की प्रतिशत बहुत कम है । इस सम्बन्ध में मंडल आवास समिति  
लखनऊ की बैठक दिनांक 24-8-87 मद नं० 7 इस विषय पर यह निर्णय लिया  
गया है ।

इस विषय में यह भी निर्णय लिया गया है कि जो कर्मचारी अन्य  
विभागों से या लोको यान्त्रिक विभाग से डीजल शेड में स्थानान्तरण पर  
आये हैं उन्हें जो आवास आवंटित था वह आवास उस डीजल शेड पूल का हो  
जायेगा और इस प्रकार भविष्य में यह परम्परा लागू की जायेगी कि जिस  
विभाग का कर्मचारी डीजल शेड में आयेगा और यदि उसके पास रेलवे आवास  
है तो उक्त आवास डीजल शेड के पूल में मान लिया जायेगा ।

इस विषय पर यह निर्णय लिया गया है कि अन्य विभागों के आवासों  
की भी जाँच की जाय और जिनके अनावश्यक कर्मचारियों के पास 25 प्रतिशत  
से अधिक आवास है ऐसी स्थिति में जैसे जैसे आवास खाली होते जायेंगे, वे  
आवास डीजल शेड के पूल में मान लिये जायेंगे । ऐसी स्थिति में यदि निकट  
भविष्य में डीजल शेड की आवासीय स्थिति सुधरने के बाद कुछ आवास निर्माण  
कर इंजीनियरिंग विभाग द्वारा डीजल शेड को स्थानान्तरित किये जायेंगे तो  
उन्में से आपके विभाग को इस आवास के स्थान पर एक आवास देने पर विचार  
किया जायेगा ।

हस्ताक्षर ---

प्रवर मंडल यान्त्रिक अभियन्ता। डीजल।  
गोण्डा ।

TRUE COPY  
ATTESTED

R-N-Sharma

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,  
LUCKNOW

Regn.No.0A-70 of 1989(L)

Shri Akhilesh Kumar Sharma & another ... Applicants.

v/s

Union of India and others. ... Respondents.

SUPPLEMENTARY COUNTER REPLY ON  
BEHALF OF RESPONDENTS IN REPLY  
TO THE APPLICANT'S REJOINDER  
REPLY: -

I, Ram Lal aged 57 years working as Chief Cashier,  
North Eastern Railway, Gorakhpur do hereby state as under:-

1. That the above named official is impleaded as Respondent No.3 in the present application and as such he is fully conversant with the facts and circumstances of the case, and has been authorised by other Respondents to file this Supplementary Counter Reply.
2. That the contents of para 1 of the Rejoinder Reply need no comments.
3. That the contents of para 2 of Rejoinder Reply is denied and those of para 2 of counter reply is re-affirmed.
4. That the contents of para 3 of Rejoinder Reply are not disputed in so far as Annexure A-1 and A-2 of this Counter Reply are concerned.

(CONTD)

Ram Lal

Received  
Duplicate  
Copy  
10/8/89

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(2)

5. That in respect of contents of para 4 of the Rejoinder Reply, it is submitted that the applicant No.2 has alleged to have submitted an application dt.29.1.1987 but by inspection it is revealed that the said application did not bear any date. Secondly the request of Applicant no.2 for allotment of his quarter in the name of his son viz. Applicant No.1 was not at all proper, because the Applicant No.1 should have moved his application duly consented from his father (Sri R.N. Sharma) and duly forwarded from his employer (viz. Sr. Divisional Mechanical Engineer (Diesel) / N.E. Railway / Gonda to the Respondent No.3 (Viz. The Chief Cashier / N.E. Railway / Gorakhpur) who is the controlling officer for allotment of Railway Quarter of Cash and Pay's Pool. As the applicant no.1 did not come forward with such proper request within reasonable time viz. at least six months before the date of Retirement of the applicant no.2, in favour of Applicant no.1, to the Respondent No.3 was improper so far as the allotment of quarter is concerned. It is further pointed out that Applicant No.2 vide his undated application, allowed his employed son, Applicant no.1 to reside in his quarter without proper and prior permission from the competent authority viz. Respondent no.3 and that the matter is under the purview of sub-letting the quarter by the Applicant no.2. This tantamounts to a great offence in terms of Railway Servants (Conduct) Rules. The act of

(CONTD)

Rauz

(3)

processing to get share accommodation of Railway quarter by Applicant no.1 and 2, from the Sr.Divisional Mechanical Engineer(Diesel)/Gonda, without information and prior permission from Chief Cashier, the controlling officer of the quarter of Cash & Pay's pool is fully objectionable and unlawful. The office order dated 4.2.1987 since got issued from the Sr.Divisional Mechanical Engineer (Diesel)/N.E.Railway/Gonda by the applicant no.1 and 2 was not in accordance with the instructions laid down in Railway Board's letter dated 11.2.1982 read with dated 19.12.1981 and dated 27.2.1971, vide Annexure R-2 of the counter reply. The action of the said application has also been explained above, as well as at para 4(vii) of the counter reply. A photo copy of said undated application is being filed herewith as Annexure No. SC-1.

6. That the contents of paras 5 to 28 of the Rejoinder Reply, so far it is contrary to the respective averments made in the counter reply, is denied and those of respective paras 4 to 9 of the counter reply is re-affirmed as correct.

7. That the contents of para 29 of Rejoinder Reply, are not admitted as stated. The true facts in respect of the same has been cleverly concealed from this Hon'ble Tribunal. Actually no Railway Quarter has ever been allotted to Shri Subhas Kaul as alleged. One Railway Quarter of Cash & Pay's pool was allotted to Sri S.C.Paul, Photo-stat Operator of Press Deptt. s/o Sri Madan Mohan Paul Ex-Remittance Cashier, only on the pre-agreement that the Press Deptt. will

(CONT'D)

Kaul

(4)

duly transfer a Railway Quarter of their pool to the Cash & Pay's pool, in lieu thereof. A photo copy of the said transfer order dated 19/21.3.1984 of Railway Quarter, in lieu thereof, is being filed herewith as Annexure No. SC-2. However, it may also be pointed out that the D.C.R.G. of Shri M.M. Paul was also with-held and panel rent of the said quarter was also recovered from him during the period of his illegal retention of the said Railway Quarter i.e. before the allotment of said quarter in his son's name viz. Shri S.C. Paul.

Similarly Km. Manjoo Nigam d/o Sri G.P. Nigam was also allotted Railway Quarter on pre-condition that one of the Railway Quarter of her department, will be transferred to the concerned department, in lieu thereof.

Gorakhpur:  
Dated 9.8.1989.

*Ram Lal*  
(RAM LAL) 9.8.89  
RESPONDENT NO. 3

V e r i f i c a t i o n :

I, Ram Lal, Chief Cashier, N.E. Railway, Gorakhpur (Respd. No. 3) do hereby verify that the contents of para 3 of this Reply is true on the basis of personal knowledge and those of para 2 to 7 of this reply are believed by me to be true on the basis of official records and legal advice.

Gorakhpur:  
Dated 9.8.1989.

*Ram Lal*  
(RAM LAL) 9.8.89  
RESPONDENT NO. 3

मुख्य कोषाधिकारि:  
 पूर्वोत्तर रेनवे, गोरखपुर।

Ajo2

विषय:- रेनवे आवास सं. ६/295 वी टाउन II में मेरे पुत्र मोहन सिंह  
 कुमार शर्मा के रहने की सूचना।

महोदय,

निवेदन है कि प्राचीन रेनवे आवास सं. ६/295 वी टाउन II  
 न्यू इंडोनिशिया रेनवे कम्पनी लिमिटेड में रह रहा है जो कि प्राचीन  
 के नाम से आचलित है। प्राचीन का पुत्र अखिलेश कुमार शर्मा जन्मे कि  
 टीका रोड गोपुर में मार्च 85 में अगस्त 86 तक टीका रोड में  
 पर घर के नामान 958-1536 काबल है अखिलेश कुमार शर्मा  
 से मेरे साथ आवास में रह रहे हैं। प्राचीन एवं प्राचीन के परिवार  
 के पिता मरुत के नाम उसकी जैन-मे के स्थान पर पिता अमर  
 नहीं है। अतः श्री अखिलेश कुमार शर्मा के नाम रेनवे आवास आवंटन  
 करने की कृपा करें।  
 अधिकृत कार्यवाही एवं सुनवाई हेतु।

प्राचीन  
 रामनिवास शर्मा  
 ॥ राम निवास शर्मा ॥

मुख्य कोषाधिकारी  
 पूर्वोत्तर रेनवे, गोरखपुर

प्रतिनिधि आदेशित कार्यवाही हेतु सूचना :-

- 1- प्रर मरुत के अधिकारी, पूर्वोत्तर रेनवे, गोरखपुर।
- 2- गुरुत इत्यादि पूर्वोत्तर रेनवे, गोरखपुर।

प्राचीन  
 ॥ राम निवास शर्मा ॥  
 मुख. कोषाधिकारी  
 पूर्वोत्तर रेनवे, गोरखपुर

True Copy Attested

Ram

9.8.89

NORTH EASTERN RAILWAY

H.R.Chandrasekara  
S.P.S.

OFFICE OF THE  
SUPDT. PRINTING & STRY.  
GORAKHPUR.

D.O.No.SPS/20-Genl/Pt.VII

Dated 19.3.1984.

My dear Dhar,

Sub:- Regularisation of Railway quarter  
No.557/L Type II at Bichhia Rly.Colony  
Gorakhpur and provision of one Type II  
quarter in lieu of 557/L to Cash & Pay  
Office/Gorakhpur.

16/C  
→

Ref: Your D.O. letter No.CP/76/20-1 Pt.II/1104  
dated 13.12.83 followed by subsequent  
reminder of even no. dated 30.1.84.

.....

The Railway Qr.No.689/E type II situated in Krishna  
Nagar Colony, Gorakhpur is transferred to your pool from  
the Press pool in lieu of Qr.No.557/L Type II which has  
been allotted to Shri S.C.Paul, Photo-Stat Operator of  
the Press.

With best wishes,

Yours sincerely,

  
( H.R.Chandrasekara )

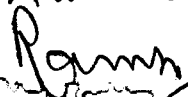
Shri Vidya Dhar,  
Chief Cashier,  
N.E.Railway/Gorakhpur.

Copy forwarded for information & necessary action to:-

1. TEN/NER/GKP.
2. AEE/Colony/GKP.
3. IOW(North)/N.E.Railway, Gorakhpur.
4. FA & CAO/ENCA/N.E.Rly.Gorakhpur.
5. OS/E, N.E.Railway/Gorakhpur, Press.

Supdt. Printing & Stry.

True Copy Attested

  
A.B. Bhatia 21/01/84

31

(10/11)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.

O.A.No. 70 of 1989 (L)

Akhilesh Kumar Sharma & ... Applicants.  
others.

Versus.

Union of India & others ... Respondents.

SUPPLEMENTRY REJOINDER REPLY TO THE  
SUPPLEMENTRY COUNTER REPLY FILED ON  
BEHALF OF RESPONDANTS.

I, R.N. Sharma, aged about 60 years, son of  
Pt. Jugul Kishore Sharma, resident of Railway  
Quarter No. 295/B, New Engineering Railway Colony,  
Gonda, do hereby solemnly affirm and state on oath  
as under :-

1. That the applicant is the applicant No. 2  
in the above noted case and he is well conversant  
with the facts deposed to hereunder.

2. That the contents of para No. 3 of the  
Supplimentary Counter reply are denied and those  
of para 2 of the rejoinder reply are reaffirmed  
as correct.

3. That the contents of para 5 of the Suppli-  
mentary Counter reply are denied and in reply the  
contents of para 4 of the rejoinder reply are  
reaffirmed as correct. It is totally wrong to say  
that the application moved by the applicant No. 2

Recd duplicate  
of R.N. Sharma  
7-9-89

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and contained in enclosure No. A-5 for allotment of quarter in favour of his son i.e. applicant No. 1 does not bear any date. It is further submitted that the application in question was given to Smt. Shanti, the concerned clerk in the office of Chief Cashier, N.E. Railway, Gorakhpur and her signatures were obtained in token of receipt of said application on 29.1.1987 on the duplicate copy still available with the applicants. Smt. Shanti is still in employment and is posted as head clerk in the same office. Further contention of respondents with regard to the procedure adopted by the applicants in moving application for allotment, is of no significance in as much as the applicant No. 1 was legally entitled for allotment/regularisation of the quarter in question in his favour on out of turn basis in view of Railway Board's circular letter dated 19.12.1981 contained in enclosure No. A-13 to the application. In such cases the normal procedure and rules are not applied and it is to be taken into account whether the concerned incumbent is actually eligible and entitled for allotment/regularisation of the quarter in question or not. In the present case if the entire circumstances are taken into account it is fully established that the applicant No. 1 was quite eligible for allotment/regularisation of Railway quarter in his favour. So far as the question of pool system and transfer of one quarter in lieu of quarter allotted in favour of applicant No. 1 by the Senior Divisional Mechanical Engineer (Diesel), Gonda, is concerned, it is the matter in between the authorities and still one quarter can

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be transferred to the pool of cash and pay department, but even if it is for any reason not practicable at present, the applicant No. 1 can not be deprived of his right for allotment/regularisation of Railway quarter in his favour for which he is legally entitled in view of Railway Board's circular letter dated 19.12.1981 contained in enclosure No. A-13. It would not be out of place to submit here that the Railway Authorities in other cases of allotment/regularisation of Railway quarters to the son's/daughter's of the retiring/deceased Railway servants totally waived/condoned the normal procedure and technicalities and allotted/regularised quarters in their favour but in the case of applicant No. 1 unnecessary and futile objections are being raised in the matter of allotment/regularisation of quarter in question unreasonably discriminating him with them. Rest of the contents of para under reply are baseless and denied.

4. That the contents of para 6 of the supplementary counter reply are denied and those of para 6 to 28 of the Rejoinder reply are reaffirmed as correct.

5. That with reference to the contents of para 7 of the supplementary counter reply it is stated that the applicants have not concealed anything from this Hon'ble Tribunal and have given true facts in para 29 of the rejoinder reply and they are again affirmed as correct. The respondents have themselves admitted that the quarter of cash and pay pool was allotted to

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Sri S.C. Paul, an employee of press department. So far as the question of transfer of quarter in lieu of allotted quarter is concerned, the deponent also submits that still the Mechanical Department can be required to transfer of one quarter to the cash and pay pool, if it becomes available and is necessary in law. Regarding recovery of penal rent the applicant respectfully submit that in case the quarter in question could have been allotted/regularised in favour of S.C. Paul, no recovery on account of penal rent should have been made from him by the Railway Department and in case alleged recovery was made, the same is wholly illegal. Regarding other case of Km. Manju Nigam the respondents have totally failed to point out as to why the quarter allotted to Sri O.P. Nigam, who was employed as Divisional Cashier under respondent No. 3 and retired from service w.e.f. 31.8.1985 was allotted in the name of his daughter (Kumari Manju Nigam) who was appointed as Staff Nurse in the Railway Central Hospital, Gorakhpur on 2.9.1985, after the retirement of her father specifically when she had not shared accomodation as a Railway Employee even for a day with her retiring father and the alleged condition of sharing accomodation at least for 6 months in view of Board's letter contained in enclosure No. A-13 was not satisfied. The Railway Authorities are not supposed to give stepmotherly treatment to their employees at their whims. The deponent is advised to state that waiving/condoning the condition of sharing accomodation for at least

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6 months with the retiring Railway servants for allotment/regularisation of Railway quarter in the case of other Railway Employees similarly placed and circumstances and imposing the same against the applicants would amount hostile discrimination and an arbitrary act within the meaning of Article 14 and 16 of the Constitution of India and renders the impugned orders/actions of respondents as illegal, void and in-operative. The applicant No.1 is legally entitled for allotment/regularisation of Railway quarter in question in his name and the order passed by the Senior Divisional Mechanical Engineer in this regard is absolutely legal and valid. The applicant No. 2 is entitled for release of his amount of D.C.R.G. together with 12% interest per annum for the period from 1.3.1987 on wards till the said amount is paid to applicant No. 2

Lucknow:Dated,

20.8.1989.

Q. N. Sharm  
Applicant No.2

VERIFICATION

I, the above named applicant No.2, do hereby verify that the contents of paras 1 to 5 except bracketed portion of para 5 are

true to my own knowledge and those of bracketed portion of para 5 of this Supplementary Rejoinder reply are believed by me to be true on the basis of legal advice. Nothing material has been concealed and no part of it is false. So help me God.

*Q. N. Sharma.*

Lucknow: Dated,

Applicant No. 2

20.8.1988.

I, identify the applicant named above who has put his signatures in my presence.

*R. C. Samra*  
20.8.88

( R. C. SAMRA )  
ADVOCATE,  
COUNSEL FOR APPLICANT.